

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

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

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

**Representative Dolan**

**Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon,  
Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R.,  
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Letson, Luckie, Mallory, Miller, Otterman, Patton, Redfern, Schindel,  
Schlichter, Setzer, Szollosi, Uecker, Ujvagi, Wagoner, White, Williams, B.,  
Williams, S., Zehringer  
Senators Carey, Niehaus, Clancy, Miller, D., Roberts, Padgett**

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**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, 201  
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5537.04, 5537.16, 5537.99, 5703.57, 5703.80, 5705.01, 5705.214,	272
5705.25, 5705.29, 5705.44, 5709.68, 5711.01, 5713.011, 5725.24,	273
5727.06, 5727.45, 5727.81, 5727.84, 5727.85, 5727.86, 5727.87,	274
5733.12, 5733.39, 5733.98, 5739.02, 5739.032, 5739.033, 5739.09,	275

5739.12, 5739.122, 5739.21, 5741.02, 5741.03, 5741.121, 5743.01,	276
5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5747.03, 5747.47,	277
5747.50, 5747.501, 5747.51, 5747.54, 5747.98, 5748.01, 5748.02,	278
5748.021, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21,	279
6111.04, 6111.44, 6119.06, 6121.04, and 6131.23 be amended;	280
sections 125.18 (126.17), 125.30 (126.18), 1521.20 (1506.38),	281
1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24	282
(1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27	283
(1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30	284
(1506.48), 3323.011 (3323.013), 3702.63 (3702.591), 3702.68	285
(3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and 5126.057	286
(5126.0511) be amended for the purpose of adopting new section	287
numbers as indicated in parentheses; and new sections 3318.47,	288
3323.01, 3323.011, 3323.06, 3323.08, 3323.11, 3704.14, and 5123.16	289
and sections 5.2235, 109.521, 117.112, 122.051, 122.071, 122.076,	290
122.174, 125.011, 126.04, 126.19, 126.24, 126.40, 131.51, 167.10,	291
167.101, 167.102, 167.103, 167.104, 167.105, 173.351, 173.401,	292
183.061, 183.51, 183.52, 901.261, 1713.031, 3319.302, 3123.23,	293
3301.0724, 3301.162, 3303.20, 3310.51, 3310.52, 3310.53, 3310.54,	294
3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61,	295
3310.62, 3310.63, 3313.82, 3314.016, 3314.017, 3314.086, 3314.087,	296
3314.088, 3314.19, 3317.161, 3323.014, 3323.041, 3323.052,	297
3327.17, 3333.201, 3333.50, 3333.55, 3333.60, 3333.61, 3333.62,	298
3333.63, 3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69,	299
3333.70, 3345.02, 3353.20, 3353.21, 3353.22, 3353.23, 3353.24,	300
3353.25, 3353.26, 3353.27, 3353.28, 3353.29, 3353.30, 3355.15,	301
3357.13, 3701.047, 3701.135, 4303.071, 4303.232, 4303.233,	302
4511.093, 4517.261, 4703.071, 4753.073, 4753.101, 4766.22,	303
4923.26, 5101.272, 5101.541, 5101.573, 5101.574, 5101.575,	304
5101.591, 5107.04, 5107.121, 5107.71, 5107.711, 5107.712,	305
5107.713, 5107.714, 5107.715, 5107.716, 5107.717, 5111.017,	306
5111.0120, 5111.0121, 5111.028, 5111.029, 5111.031, 5111.032,	307
5111.085, 5111.102, 5111.69, 5111.70, 5111.701, 5111.702,	308

5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 309  
5111.709, 5111.7010, 5111.84, 5111.894, 5123.033, 5123.0414, 310  
5123.0415, 5123.0416, 5123.161, 5123.162, 5123.163, 5123.164, 311  
5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 5123.605, 312  
5126.059, 5126.0510, 5126.0512, 5302.221, 5309.082, 5533.531, 313  
5533.632, 5533.91, 5705.219, 5733.48, 5739.029, 5739.124, 314  
5739.213, 5741.122, 5747.77, 5748.022, 5907.16, and 6111.0381 of 315  
the Revised Code be enacted to read as follows: 316

Sec. 5.2235. The month of May is designated as "Nutrition and 317  
Physical Fitness Month" to increase public awareness of the 318  
paramount roles that nutrition and physical fitness play in 319  
promoting a healthy lifestyle for all of the citizens of this 320  
state. 321

**Sec. 9.30.** The appropriate public officer of the state, 322  
county, municipal corporation, township, school, or other public 323  
body or institution, may acquire the service, product, or 324  
commodity of a public utility at the schedule of rates and charges 325  
applicable to such service, product, or commodity on file with the 326  
public utilities commission, or the applicable charge established 327  
by a utility operating its property not for profit, at any 328  
location where such public utility service, product, or commodity 329  
is not available, from alternate public utilities, without the 330  
necessity of advertising to obtain bids, and without notice, 331  
irrespective of the amount of money involved. Nothing in this 332  
section supersedes sections 125.01 to 125.15 of the Revised Code 333  
for the acquisition of telecommunication utility services by state 334  
agencies. 335

**Sec. 9.821.** (A) The department of administrative services 336  
shall direct and manage for state agencies all risk management and 337  
insurance programs authorized under section 9.822 of the Revised 338

Code.	339
(B) The office of risk management is hereby established	340
within the department of administrative services. The director of	341
administrative services, or a deputy director appointed by the	342
director, shall control and supervise the office.	343
(C) The office may take any of the following actions that it	344
determines to be in the best interests of the state:	345
(1) Provide all insurance coverages for the state, including,	346
but not limited to, automobile liability, casualty, property,	347
public liability, and, <del>except as provided in division (C)(6) of</del>	348
<del>this section,</del> fidelity bond insurance <u>bonding</u> . The cost of	349
insurance coverage shall be paid from appropriations made to the	350
state agencies that the office has designated to receive the	351
coverage.	352
(2) Provide coverage of legal expenses that are necessary and	353
related to the legal defense of claims against the state;	354
(3) Purchase insurance policies consistent with sections	355
125.01 to 125.111 of the Revised Code, develop and administer	356
self-insurance programs, or do both;	357
(4) Consolidate and combine state insurance coverages;	358
(5) Provide technical services in risk management and	359
insurance to state agencies;	360
(6)(a) <del>Establish and administer a self-insured fidelity bond</del>	361
<del>program for a particular class or subclass of state officer,</del>	362
<del>employee, or agent, if, prior to the establishment and</del>	363
<del>administration of this program, the director does both of the</del>	364
<del>following:</del>	365
(i) <del>Holds a hearing in accordance with Chapter 119. of the</del>	366
<del>Revised Code to determine whether fidelity bond insurance for that</del>	367
<del>particular class or subclass of state officer, employee, or agent</del>	368

~~is available in the voluntary market;~~ 369

~~(ii) If, as a result of that hearing, the director determines 370  
that fidelity bond insurance for a particular class or subclass of 371  
state officer, employee, or agent is unavailable in the voluntary 372  
market and that the absence of this insurance threatens the 373  
operation of state government and will be detrimental to the 374  
general welfare of the citizens of this state, adopts rules in 375  
accordance with Chapter 119. of the Revised Code to establish 376  
standards and procedures governing the establishment, 377  
administration, and termination of the fidelity bond program for 378  
that particular class or subclass of state officer, employee, or 379  
agent. 380~~

~~(b) Division (C)(6)(a) of this section does not apply to any 381  
self-insured blanket fidelity bond program that, on September 20, 382  
1993, has been established pursuant to section 9.831 of the 383  
Revised Code. 384~~

~~(7) Except as provided in division (C)(6) of this section, 385  
~~adopt~~ Adopt and publish, in accordance with section 111.15 of the 386  
Revised Code, necessary rules and procedures governing the 387  
administration of the state's insurance and risk management 388  
activities. 389~~

(D) No state agency, except a state agency exempted under 390  
section 125.02 or 125.04 of the Revised Code from the department's 391  
purchasing authority, shall purchase any insurance described in 392  
this section except as authorized by the department, when the 393  
office of risk management determines that the purchase is in the 394  
best interest of the state pursuant to division (C)(1) of this 395  
section, and in accordance with terms, conditions, and procurement 396  
methods established by the department. 397

(E) With respect to any civil action, demand, or claim 398  
against the state that could be filed in the court of claims, 399

nothing in sections 9.82 to 9.823 of the Revised Code shall be 400  
interpreted to permit the settlement or compromise of those civil 401  
actions, demands, or claims, except in the manner provided in 402  
Chapter 2743. of the Revised Code. 403

**Sec. 9.822.** (A) The department of administrative services 404  
through the office of risk management shall establish an insurance 405  
plan or plans that may provide for self-insurance or the purchase 406  
of insurance, or both, for ~~any~~ either of the following purposes: 407

(1) Insuring state real and personal property against losses 408  
occasioned by fire, windstorm, or other accidents and perils; 409

(2) Insuring the state and its officers and employees against 410  
liability resulting from any civil action, demand, or claim 411  
against the state or its officers and employees arising out of any 412  
act or omission of an officer or employee in the performance of 413  
official duties, except acts and omissions for which 414  
indemnification is prohibited under section 9.87 of the Revised 415  
Code. 416

~~(3) Insuring~~ (B) The department of administrative services 417  
through the office of risk management shall establish one or more 418  
insurance plans that provide for the purchase of insurance for the 419  
purpose of insuring the state through the fidelity bonding of 420  
state officers, employees, and agents who are required by law to 421  
provide a fidelity bond. Nothing in this section shall be 422  
construed to allow the department of administrative services 423  
through the office of risk management to administer the state's 424  
fidelity bonding program through a program of self-insurance. 425

~~(B)(1) Prior to the establishment of any self-insured~~ 426  
~~fidelity bond program for a particular class or subclass of state~~ 427  
~~officer, employee, or agent authorized pursuant to division (A)(3)~~ 428  
~~of this section, the director of administrative services shall~~ 429  
~~follow the procedures for holding a hearing and adopting rules set~~ 430

~~forth in division (C)(6)(a) of section 9.821 of the Revised Code.~~ 431

~~(2) Division (B)(1) of this section does not apply to any 432  
self-insured blanket fidelity bond program that, on September 20, 433  
1993, has been established pursuant to section 9.831 of the 434  
Revised Code.~~ 435

~~(3) The director shall prepare annually a written report 436  
detailing any self-insured fidelity bond program established 437  
pursuant to division (A)(3) of this section. The report shall 438  
include, but is not limited to, information relating to premiums 439  
collected, income from recovery, loss experience, and 440  
administrative costs of the program. A copy of the report, 441  
together with a copy of those portions of the most recent reports 442  
submitted under division (D) of section 9.823 of the Revised Code 443  
that pertain to any such self-insured fidelity bond program, shall 444  
be submitted to the speaker of the house of representatives and 445  
the president of the senate by the last day of March of each year.~~ 446

**Sec. 9.823.** (A) All contributions collected by the director 447  
of administrative services under division (E) of this section 448  
shall be deposited into the state treasury to the credit of the 449  
risk management reserve fund, which is hereby created. The fund 450  
shall be used to provide insurance and self-insurance for the 451  
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 452  
All investment earnings of the fund shall be credited to it. 453

(B) The director, through the office of risk management, 454  
shall operate the risk management reserve fund on an actuarially 455  
sound basis. 456

(C) Reserves shall be maintained in the risk management 457  
reserve fund in any amount that is necessary and adequate, in the 458  
exercise of sound and prudent actuarial judgment, to cover 459  
potential liability claims, expenses, fees, or damages. Money in 460  
the fund may be applied to the payment of liability claims that 461

are filed against the state in the court of claims and determined 462  
in the manner provided for under Chapter 2743. of the Revised 463  
Code. The director may procure the services of a qualified 464  
actuarial firm for the purpose of recommending the specific amount 465  
of money that would be required to maintain adequate reserves for 466  
a given period of time. 467

(D) A report of the amounts reserved and disbursements made 468  
from the reserves, together with a written report of a competent 469  
property and casualty actuary, shall be submitted, on or before 470  
the last day of March for the preceding calendar year, to the 471  
speaker of the house of representatives and the president of the 472  
senate. The actuary shall certify the adequacy of the rates of 473  
contributions, the sufficiency of excess insurance, and whether 474  
the amounts reserved conform to the requirements of this section, 475  
are computed in accordance with accepted loss reserving standards, 476  
and are fairly stated in accordance with sound loss reserving 477  
principles. The report shall include disbursements made for the 478  
administration of the fund, including claims paid, cost of legal 479  
representation of state agencies and employees, and fees paid to 480  
consultants. 481

(E) The director shall collect from each state agency or any 482  
participating state body its contribution to the risk management 483  
reserve fund for the purpose of purchasing insurance or 484  
administering self-insurance programs for coverages authorized 485  
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 486  
contribution shall be determined by the director, with the 487  
approval of the director of budget and management, and shall be 488  
based upon actuarial assumptions and the relative risk and loss 489  
experience of each state agency or participating state body. The 490  
contribution shall further include a reasonable sum to cover the 491  
department's administrative costs. 492



Sec. 9.83. (A) The state and any political subdivision may 493  
procure a policy or policies of insurance insuring its officers 494  
and employees against liability for injury, death, or loss to 495  
person or property that arises out of the operation of an 496  
automobile, truck, motor vehicle with auxiliary equipment, 497  
self-propelling equipment or trailer, aircraft, or watercraft by 498  
the officers or employees while engaged in the course of their 499  
employment or official responsibilities for the state or the 500  
political subdivision. The state is authorized to expend funds to 501  
pay judgments that are rendered in any court against its officers 502  
or employees and that result from such operation, and is 503  
authorized to expend funds to compromise claims for liability 504  
against its officers or employees that result from such operation. 505  
No insurer shall deny coverage under such a policy, and the state 506  
shall not refuse to pay judgments or compromise claims, on the 507  
ground that an automobile, truck, motor vehicle with auxiliary 508  
equipment, self-propelling equipment or trailer, aircraft, or 509  
watercraft was not being used in the course of an officer's or 510  
employee's employment or official responsibilities for the state 511  
or a political subdivision unless the officer or employee who was 512  
operating an automobile, truck, motor vehicle with auxiliary 513  
equipment, or self-propelling equipment or trailer is convicted of 514  
a violation of section 124.71 of the Revised Code as a result of 515  
the same events. 516

(B) Funds shall be reserved as necessary, in the exercise of 517  
sound and prudent actuarial judgment, to cover potential expense, 518  
fees, damage, loss, or other liability. The ~~superintendent of~~ 519  
~~insurance~~ office of risk management may recommend or, if the state 520  
requests of the ~~superintendent~~ office of risk management, shall 521  
recommend, a specific amount for any period of time that, in the 522  
~~superintendent's~~ opinion of the office of risk management, 523  
represents such a judgment. 524

(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 556  
the exercise of sound and prudent actuarial judgment, to cover 557  
potential liability claims, expenses, fees, or damages. Money in 558  
the fund may be applied to the payment of liability claims that 559  
are filed against the state in the court of claims and determined 560  
in the manner provided in Chapter 2743. of the Revised Code. The 561  
director of administrative services may procure the services of a 562  
qualified actuarial firm for the purpose of recommending the 563  
specific amount of money that is required to maintain adequate 564  
reserves for a specified period of time. 565

~~(I)~~(H) The director of administrative services shall collect 566  
from each state agency or any participating state body its 567  
contribution to the vehicle liability ~~fund~~ program for the purpose 568  
of purchasing insurance or administering self-insurance programs 569  
for coverage authorized under this section. The amount of the 570  
contribution shall be determined by the director, with the 571  
approval of the director of budget and management. It shall be 572  
based upon actuarial assumptions and the relative risk and loss 573  
experience of each state agency or participating state body. The 574  
amount of the contribution also shall include a reasonable sum to 575  
cover administrative costs of the department of administrative 576  
services. The amounts collected pursuant to this division shall be 577  
deposited in the risk management reserve fund to the credit of the 578  
vehicle liability program. 579

**Sec. 107.12.** (A) As used in this section, "organization" 580  
means a faith-based or other organization that is exempt from 581  
federal income taxation under section 501(c)(3) of the Internal 582  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 583  
provides charitable services to needy residents of this state. 584

(B) There is hereby established within the office of the 585  
governor the governor's office of faith-based and community 586

initiatives. The office shall: 587

(1) Serve as a clearinghouse of information on federal, 588  
state, and local funding for charitable services performed by 589  
organizations; 590

(2) Encourage organizations to seek public funding for their 591  
charitable services; 592

(3) Act as a liaison between state agencies and 593  
organizations; 594

(4) Advise the governor, general assembly, and the advisory 595  
board of the governor's office of faith-based community 596  
initiatives on the barriers that exist to collaboration between 597  
organizations and governmental entities and on ways to remove the 598  
barriers. 599

(C) The governor shall appoint an executive assistant to 600  
manage the office and perform or oversee the performance of the 601  
duties of the office. 602

(D)(1) There is hereby created the advisory board of the 603  
governor's office of faith-based and community initiatives. The 604  
board shall consist of members appointed as follows: 605

(a) The directors of aging, alcohol and drug addiction 606  
services, rehabilitation and correction, health, job and family 607  
services, mental health, and youth services shall each appoint to 608  
the board one employee of that director's department. 609

(b) The speaker of the house of representatives shall appoint 610  
to the board two members of the house of representatives, not more 611  
than one of whom shall be from the same political party and at 612  
least one of whom shall be from the legislative black caucus. The 613  
speaker of the house of representatives shall consult with the 614  
president of the legislative black caucus in making the 615  
legislative black caucus member appointment. The president of the 616

senate shall appoint to the board two members of the senate, not 617  
more than one of whom shall be from the same political party. 618

(c) The governor, speaker of the house of representatives, 619  
and president of the senate shall each appoint to the board three 620  
representatives of the nonprofit, faith-based and other nonprofit 621  
community. 622

~~(2) The appointments to the board shall be made within thirty 623~~  
~~days after the effective date of this section.~~ Terms of the office 624  
shall be one year. Any vacancy that occurs on the board shall be 625  
filled in the same manner as the original appointment. The members 626  
of the board shall serve without compensation. 627

(3) At its initial meeting, the board shall elect a 628  
chairperson. The chairperson shall be a member of the board who is 629  
a member of the house of representatives. 630

(E) The board shall do both of the following: 631

(1) Provide direction, guidance, and oversight to the office; 632

(2) Publish a report of its activities on or before the first 633  
day of August of each year, and deliver copies of the report to 634  
the governor, the speaker and minority leader of the house of 635  
representatives, and the president and minority leader of the 636  
senate. 637

(F) No member of the board or organization that the member is 638  
affiliated or involved with is eligible to receive any grant that 639  
the office administers or assists in administering. 640

**Sec. 107.40.** (A) There is hereby created the governor's 641  
residence advisory commission. The commission shall provide for 642  
the preservation, restoration, acquisition, and conservation of 643  
all decorations, objects of art, chandeliers, china, silver, 644  
statues, paintings, furnishings, accouterments, and other 645  
aesthetic materials that have been acquired, donated, loaned, or 646

otherwise obtained by the state for the governor's residence and 647  
that have been approved by the commission. In addition, the 648  
commission shall provide for the maintenance of plants that have 649  
been acquired, donated, loaned, or otherwise obtained by the state 650  
for the governor's residence and that have been approved by the 651  
commission. 652

(B) The commission shall be responsible for the care, 653  
provision, repair, and placement of furnishings and other objects 654  
and accessories of the grounds and public areas of the first story 655  
of the governor's residence and for the care and placement of 656  
plants on the grounds. In exercising this responsibility, the 657  
commission shall preserve and seek to further establish all of the 658  
following: 659

(1) The authentic ambiance and decor of the historic era 660  
during which the governor's residence was constructed; 661

(2) The grounds as a representation of Ohio's natural 662  
ecosystems; 663

(3) The heritage garden for all of the following purposes: 664

(a) To preserve, sustain, and encourage the use of native 665  
flora throughout the state; 666

(b) To replicate the state's physiographic regions, plant 667  
communities, and natural landscapes; 668

(c) To serve as an educational garden that demonstrates the 669  
artistic, industrial, political, horticultural, and geologic 670  
history of the state through the use of plants; 671

(d) To serve as a reservoir of rare species of plants from 672  
the physiographic regions of the state. 673

These duties shall not affect the obligation of the 674  
department of administrative services to provide for ~~the~~ and adopt 675  
policies and procedures regarding the use, general maintenance, 676

and operating expenses of the governor's residence. 677

(C) The commission shall consist of eleven members. One 678  
member shall be the director of administrative services or the 679  
director's designee, who shall serve during the director's term of 680  
office and shall serve as chairperson. One member shall be the 681  
director of the Ohio historical society or the director's 682  
designee, who shall serve during the director's term of office and 683  
shall serve as vice-chairperson. One member shall represent the 684  
Columbus landmarks foundation. One member shall represent the 685  
Bexley historical society. One member shall be the mayor of the 686  
city of Bexley, who shall serve during the mayor's term of office. 687  
One member shall be the chief executive officer of the Franklin 688  
park conservatory joint recreation district, who shall serve 689  
during the term of employment as chief executive officer. The 690  
remaining five members shall be appointed by the governor with the 691  
advice and consent of the senate. The five members appointed by 692  
the governor shall be persons with knowledge of Ohio history, 693  
architecture, decorative arts, or historic preservation, and one 694  
of those members shall have knowledge of landscape architecture, 695  
garden design, horticulture, and plants native to this state. 696

(D) Of the initial appointees, the representative of the 697  
Columbus landmarks foundation shall serve for a term expiring 698  
December 31, 1996, and the representative of the Bexley historical 699  
society shall serve for a term expiring December 31, 1997. Of the 700  
five members appointed by the governor, three shall serve for 701  
terms ending December 31, 1998, and two shall serve for terms 702  
ending December 31, 1999. Thereafter, each term shall be for four 703  
years, commencing on the first day of January and ending on the 704  
last day of December. The member having knowledge of landscape 705  
architecture, garden design, horticulture, and plants native to 706  
this state initially shall be appointed upon the first vacancy on 707  
the commission occurring on or after June 30, 2006. 708

Each member shall hold office from the date of the member's 709  
appointment until the end of the term for which the member was 710  
appointed. Any member appointed to fill a vacancy occurring prior 711  
to the end of the term for which the member's predecessor was 712  
appointed shall hold office for the remainder of the term. Any 713  
member shall continue in office subsequent to the expiration of 714  
the term until the member's successor takes office. 715

(E) Six members of the commission constitute a quorum, and 716  
the affirmative vote of six members is required for approval of 717  
any action by the commission. 718

(F) After each initial member of the commission has been 719  
appointed, the commission shall meet and select one member as 720  
secretary and another as treasurer. Organizational meetings of the 721  
commission shall be held at the time and place designated by call 722  
of the chairperson. Meetings of the commission may be held 723  
anywhere in the state and shall be in compliance with Chapters 724  
121. and 149. of the Revised Code. The commission may adopt, 725  
pursuant to section 111.15 of the Revised Code, rules necessary to 726  
carry out the purposes of this section. 727

(G) Members of the commission shall serve without 728  
remuneration, but shall be compensated for actual and necessary 729  
expenses incurred in the performance of their official duties. 730

(H) All expenses incurred in carrying out this section are 731  
payable solely from money accrued under this section or 732  
appropriated for these purposes by the general assembly, and the 733  
commission shall incur no liability or obligation beyond such 734  
money. 735

(I) The Except as otherwise provided in this division, the 736  
commission may accept any payment for the use of the governor's 737  
residence or may accept any donation, gift, bequest, or devise for 738  
the governor's residence or as an endowment for the maintenance 739



and care of the garden on the grounds of the governor's residence 740  
in furtherance of its duties. The commission shall not accept any 741  
donation, gift, bequest, or devise from a person, individual, or 742  
member of an individual's immediate family if the person or 743  
individual is receiving payments under a contract with the state 744  
or a state agency for the purchase of supplies, services, or 745  
equipment or for the construction, reconstruction, improvement, 746  
enlargement, alteration, repair, painting, or decoration of a 747  
public improvement, except for payments received under an 748  
employment contract or a collective bargaining agreement. Any 749  
revenue received by the commission shall be deposited into the 750  
governor's residence fund, which is hereby established in the 751  
state treasury, for use by the commission in accordance with the 752  
performance of its duties. All investment earnings of the fund 753  
shall be credited to the fund. Title to all property acquired by 754  
the commission shall be taken in the name of the state and shall 755  
be held for the use and benefit of the commission. 756

(J) Nothing in this section limits the ability of a person or 757  
other entity to purchase decorations, objects of art, chandeliers, 758  
china, silver, statues, paintings, furnishings, accouterments, 759  
plants, or other aesthetic materials for placement in the 760  
governor's residence or on the grounds of the governor's residence 761  
or donation to the commission. No such object or plant, however, 762  
shall be placed on the grounds or public areas of the first story 763  
of the governor's residence without the consent of the commission. 764

(K) The heritage garden established under this section shall 765  
be officially known as "the heritage garden at the Ohio governor's 766  
residence." 767

(L) As used in this section, "heritage garden" means the 768  
botanical garden of native plants established at the governor's 769  
residence. 770

Sec. 109.521. There is hereby created in the state treasury 771  
the bureau of criminal identification and investigation asset 772  
forfeiture and cost reimbursement fund. All amounts awarded to the 773  
bureau of criminal identification and investigation as a result of 774  
shared federal asset forfeiture and state and local moneys 775  
designated as restitution for reimbursement of the costs of 776  
investigations shall be deposited into this fund. The moneys in 777  
this fund shall be used in accordance with federal asset 778  
forfeiture rules, regulations, and laws. Interest earned on the 779  
money in this fund shall be credited to the fund. 780

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 781  
criminal identification and investigation shall procure from 782  
wherever procurable and file for record photographs, pictures, 783  
descriptions, fingerprints, measurements, and other information 784  
that may be pertinent of all persons who have been convicted of 785  
committing within this state a felony, any crime constituting a 786  
misdemeanor on the first offense and a felony on subsequent 787  
offenses, or any misdemeanor described in division (A)(1)(a) or 788  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 789  
under eighteen years of age who have been adjudicated delinquent 790  
children for committing within this state an act that would be a 791  
felony or an offense of violence if committed by an adult or who 792  
have been convicted of or pleaded guilty to committing within this 793  
state a felony or an offense of violence, and of all well-known 794  
and habitual criminals. The person in charge of any county, 795  
multicounty, municipal, municipal-county, or multicounty-municipal 796  
jail or workhouse, community-based correctional facility, halfway 797  
house, alternative residential facility, or state correctional 798  
institution and the person in charge of any state institution 799  
having custody of a person suspected of having committed a felony, 800  
any crime constituting a misdemeanor on the first offense and a 801

felony on subsequent offenses, or any misdemeanor described in 802  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 803  
Code or having custody of a child under eighteen years of age with 804  
respect to whom there is probable cause to believe that the child 805  
may have committed an act that would be a felony or an offense of 806  
violence if committed by an adult shall furnish such material to 807  
the superintendent of the bureau. Fingerprints, photographs, or 808  
other descriptive information of a child who is under eighteen 809  
years of age, has not been arrested or otherwise taken into 810  
custody for committing an act that would be a felony or an offense 811  
of violence if committed by an adult, has not been adjudicated a 812  
delinquent child for committing an act that would be a felony or 813  
an offense of violence if committed by an adult, has not been 814  
convicted of or pleaded guilty to committing a felony or an 815  
offense of violence, and is not a child with respect to whom there 816  
is probable cause to believe that the child may have committed an 817  
act that would be a felony or an offense of violence if committed 818  
by an adult shall not be procured by the superintendent or 819  
furnished by any person in charge of any county, multicounty, 820  
municipal, municipal-county, or multicounty-municipal jail or 821  
workhouse, community-based correctional facility, halfway house, 822  
alternative residential facility, or state correctional 823  
institution, except as authorized in section 2151.313 of the 824  
Revised Code. 825

(2) Every clerk of a court of record in this state, other 826  
than the supreme court or a court of appeals, shall send to the 827  
superintendent of the bureau a weekly report containing a summary 828  
of each case involving a felony, involving any crime constituting 829  
a misdemeanor on the first offense and a felony on subsequent 830  
offenses, involving a misdemeanor described in division (A)(1)(a) 831  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 832  
an adjudication in a case in which a child under eighteen years of 833  
age was alleged to be a delinquent child for committing an act 834

that would be a felony or an offense of violence if committed by 835  
an adult. The clerk of the court of common pleas shall include in 836  
the report and summary the clerk sends under this division all 837  
information described in divisions (A)(2)(a) to (f) of this 838  
section regarding a case before the court of appeals that is 839  
served by that clerk. The summary shall be written on the standard 840  
forms furnished by the superintendent pursuant to division (B) of 841  
this section and shall include the following information: 842

(a) The incident tracking number contained on the standard 843  
forms furnished by the superintendent pursuant to division (B) of 844  
this section; 845

(b) The style and number of the case; 846

(c) The date of arrest; 847

(d) The date that the person was convicted of or pleaded 848  
guilty to the offense, adjudicated a delinquent child for 849  
committing the act that would be a felony or an offense of 850  
violence if committed by an adult, found not guilty of the 851  
offense, or found not to be a delinquent child for committing an 852  
act that would be a felony or an offense of violence if committed 853  
by an adult, the date of an entry dismissing the charge, an entry 854  
declaring a mistrial of the offense in which the person is 855  
discharged, an entry finding that the person or child is not 856  
competent to stand trial, or an entry of a nolle prosequi, or the 857  
date of any other determination that constitutes final resolution 858  
of the case; 859

(e) A statement of the original charge with the section of 860  
the Revised Code that was alleged to be violated; 861

(f) If the person or child was convicted, pleaded guilty, or 862  
was adjudicated a delinquent child, the sentence or terms of 863  
probation imposed or any other disposition of the offender or the 864  
delinquent child. 865

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

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

(4) The superintendent shall carry out Chapter 2950. of the

Revised Code with respect to the registration of persons who are 898  
convicted of or plead guilty to either a sexually oriented offense 899  
that is not a registration-exempt sexually oriented offense or a 900  
child-victim oriented offense and with respect to all other duties 901  
imposed on the bureau under that chapter. 902

(5) The bureau shall perform centralized recordkeeping 903  
functions for criminal history records and services in this state 904  
for purposes of the national crime prevention and privacy compact 905  
set forth in section 109.571 of the Revised Code and is the 906  
criminal history record repository as defined in that section for 907  
purposes of that compact. The superintendent or the 908  
superintendent's designee is the compact officer for purposes of 909  
that compact and shall carry out the responsibilities of the 910  
compact officer specified in that compact. 911

(B) The superintendent shall prepare and furnish to every 912  
county, multicounty, municipal, municipal-county, or 913  
multicounty-municipal jail or workhouse, community-based 914  
correctional facility, halfway house, alternative residential 915  
facility, or state correctional institution and to every clerk of 916  
a court in this state specified in division (A)(2) of this section 917  
standard forms for reporting the information required under 918  
division (A) of this section. The standard forms that the 919  
superintendent prepares pursuant to this division may be in a 920  
tangible format, in an electronic format, or in both tangible 921  
formats and electronic formats. 922

(C) The superintendent may operate a center for electronic, 923  
automated, or other data processing for the storage and retrieval 924  
of information, data, and statistics pertaining to criminals and 925  
to children under eighteen years of age who are adjudicated 926  
delinquent children for committing an act that would be a felony 927  
or an offense of violence if committed by an adult, criminal 928  
activity, crime prevention, law enforcement, and criminal justice, 929

and may establish and operate a statewide communications network 930  
to gather and disseminate information, data, and statistics for 931  
the use of law enforcement agencies. The superintendent may 932  
gather, store, retrieve, and disseminate information, data, and 933  
statistics that pertain to children who are under eighteen years 934  
of age and that are gathered pursuant to sections 109.57 to 109.61 935  
of the Revised Code together with information, data, and 936  
statistics that pertain to adults and that are gathered pursuant 937  
to those sections. In addition to any other authorized use of 938  
information, data, and statistics of that nature, the 939  
superintendent or the superintendent's designee may provide and 940  
exchange the information, data, and statistics pursuant to the 941  
national crime prevention and privacy compact as described in 942  
division (A)(5) of this section. 943

(D) The information and materials furnished to the 944  
superintendent pursuant to division (A) of this section and 945  
information and materials furnished to any board or person under 946  
division (F) or (G) of this section are not public records under 947  
section 149.43 of the Revised Code. 948

(E) The attorney general shall adopt rules, in accordance 949  
with Chapter 119. of the Revised Code, setting forth the procedure 950  
by which a person may receive or release information gathered by 951  
the superintendent pursuant to division (A) of this section. A 952  
reasonable fee may be charged for this service. If a temporary 953  
employment service submits a request for a determination of 954  
whether a person the service plans to refer to an employment 955  
position has been convicted of or pleaded guilty to an offense 956  
listed in division (A)(1), (3), (4), (5), or (6) of section 957  
109.572 of the Revised Code, the request shall be treated as a 958  
single request and only one fee shall be charged. 959

(F)(1) As used in division (F)(2) of this section, "head 960  
start agency" means an entity in this state that has been approved 961

to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, or 3301.541, division (C) of section 3310.58, or section 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal



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

(b) When a board of education or a registered private 1010  
provider is required to receive information under this section as 1011  
a prerequisite to employment of an individual pursuant to division 1012  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1013  
may accept a certified copy of records that were issued by the 1014  
bureau of criminal identification and investigation and that are 1015  
presented by an individual applying for employment with the 1016  
district in lieu of requesting that information itself. In such a 1017  
case, the board or provider shall accept the certified copy issued 1018  
by the bureau in order to make a photocopy of it for that 1019  
individual's employment application documents and shall return the 1020  
certified copy to the individual. In a case of that nature, a 1021  
district or provider only shall accept a certified copy of records 1022  
of that nature within one year after the date of their issuance by 1023  
the bureau. 1024

(3) The state board of education may request, with respect to 1025  
any individual who has applied for employment after October 2, 1026

1989, in any position with the state board or the department of 1027  
education, any information that a school district board of 1028  
education is authorized to request under division (F)(2) of this 1029  
section, and the superintendent of the bureau shall proceed as if 1030  
the request has been received from a school district board of 1031  
education under division (F)(2) of this section. 1032

(4) When the superintendent of the bureau receives a request 1033  
for information under section 3319.291 of the Revised Code, the 1034  
superintendent shall proceed as if the request has been received 1035  
from a school district board of education under division (F)(2) of 1036  
this section. 1037

(5) When a recipient of a classroom reading improvement grant 1038  
paid under section 3301.86 of the Revised Code requests, with 1039  
respect to any individual who applies to participate in providing 1040  
any program or service funded in whole or in part by the grant, 1041  
the information that a school district board of education is 1042  
authorized to request under division (F)(2)(a) of this section, 1043  
the superintendent of the bureau shall proceed as if the request 1044  
has been received from a school district board of education under 1045  
division (F)(2)(a) of this section. 1046

(G) In addition to or in conjunction with any request that is 1047  
required to be made under section 3701.881, 3712.09, 3721.121, or 1048  
3722.151 of the Revised Code with respect to an individual who has 1049  
applied for employment in a position that involves providing 1050  
direct care to an older adult, the chief administrator of a home 1051  
health agency, hospice care program, home licensed under Chapter 1052  
3721. of the Revised Code, adult day-care program operated 1053  
pursuant to rules adopted under section 3721.04 of the Revised 1054  
Code, or adult care facility may request that the superintendent 1055  
of the bureau investigate and determine, with respect to any 1056  
individual who has applied after January 27, 1997, for employment 1057  
in a position that does not involve providing direct care to an 1058

older adult, whether the bureau has any information gathered under 1059  
division (A) of this section that pertains to that individual. 1060

In addition to or in conjunction with any request that is 1061  
required to be made under section 173.27 of the Revised Code with 1062  
respect to an individual who has applied for employment in a 1063  
position that involves providing ombudsperson services to 1064  
residents of long-term care facilities or recipients of 1065  
community-based long-term care services, the state long-term care 1066  
ombudsperson, ombudsperson's designee, or director of health may 1067  
request that the superintendent investigate and determine, with 1068  
respect to any individual who has applied for employment in a 1069  
position that does not involve providing such ombudsperson 1070  
services, whether the bureau has any information gathered under 1071  
division (A) of this section that pertains to that applicant. 1072

In addition to or in conjunction with any request that is 1073  
required to be made under section 173.394 of the Revised Code with 1074  
respect to an individual who has applied for employment in a 1075  
position that involves providing direct care to an individual, the 1076  
chief administrator of a community-based long-term care agency may 1077  
request that the superintendent investigate and determine, with 1078  
respect to any individual who has applied for employment in a 1079  
position that does not involve providing direct care, whether the 1080  
bureau has any information gathered under division (A) of this 1081  
section that pertains to that applicant. 1082

On receipt of a request under this division, the 1083  
superintendent shall determine whether that information exists 1084  
and, on request of the individual requesting information, shall 1085  
also request from the federal bureau of investigation any criminal 1086  
records it has pertaining to the applicant. The superintendent or 1087  
the superintendent's designee also may request criminal history 1088  
records from other states or the federal government pursuant to 1089  
the national crime prevention and privacy compact set forth in 1090

section 109.571 of the Revised Code. Within thirty days of the 1091  
date a request is received, the superintendent shall send to the 1092  
requester a report of any information determined to exist, 1093  
including information contained in records that have been sealed 1094  
under section 2953.32 of the Revised Code, and, within thirty days 1095  
of its receipt, shall send the requester a report of any 1096  
information received from the federal bureau of investigation, 1097  
other than information the dissemination of which is prohibited by 1098  
federal law. 1099

(H) Information obtained by a government entity or person 1100  
under this section is confidential and shall not be released or 1101  
disseminated. 1102

(I) The superintendent may charge a reasonable fee for 1103  
providing information or criminal records under division (F)(2) or 1104  
(G) of this section. 1105

(J) As used in this section, "registered private provider" 1106  
means a nonpublic school or entity registered with the 1107  
superintendent of public instruction under section 3310.41 of the 1108  
Revised Code to participate in the autism scholarship program or 1109  
section 3310.58 of the Revised Code to participate in the special 1110  
education scholarship pilot program. 1111

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1112  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 1113  
of the Revised Code, a completed form prescribed pursuant to 1114  
division (C)(1) of this section, and a set of fingerprint 1115  
impressions obtained in the manner described in division (C)(2) of 1116  
this section, the superintendent of the bureau of criminal 1117  
identification and investigation shall conduct a criminal records 1118  
check in the manner described in division (B) of this section to 1119  
determine whether any information exists that indicates that the 1120  
person who is the subject of the request previously has been 1121

convicted of or pleaded guilty to any of the following: 1122

(a) A violation of section 2903.01, 2903.02, 2903.03, 1123  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1124  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1125  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1126  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1127  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1128  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1129  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1130  
penetration in violation of former section 2907.12 of the Revised 1131  
Code, a violation of section 2905.04 of the Revised Code as it 1132  
existed prior to July 1, 1996, a violation of section 2919.23 of 1133  
the Revised Code that would have been a violation of section 1134  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1135  
had the violation been committed prior to that date, or a 1136  
violation of section 2925.11 of the Revised Code that is not a 1137  
minor drug possession offense; 1138

(b) A violation of an existing or former law of this state, 1139  
any other state, or the United States that is substantially 1140  
equivalent to any of the offenses listed in division (A)(1)(a) of 1141  
this section. 1142

(2) On receipt of a request pursuant to section 5123.081 of 1143  
the Revised Code with respect to an applicant for employment in 1144  
any position with the department of mental retardation and 1145  
developmental disabilities, pursuant to section 5126.28 of the 1146  
Revised Code with respect to an applicant for employment in any 1147  
position with a county board of mental retardation and 1148  
developmental disabilities, or pursuant to section 5126.281 of the 1149  
Revised Code with respect to an applicant for employment in a 1150  
direct services position with an entity contracting with a county 1151  
board for employment, a completed form prescribed pursuant to 1152  
division (C)(1) of this section, and a set of fingerprint 1153

impressions obtained in the manner described in division (C)(2) of 1154  
this section, the superintendent of the bureau of criminal 1155  
identification and investigation shall conduct a criminal records 1156  
check. The superintendent shall conduct the criminal records check 1157  
in the manner described in division (B) of this section to 1158  
determine whether any information exists that indicates that the 1159  
person who is the subject of the request has been convicted of or 1160  
pleaded guilty to any of the following: 1161

(a) A violation of section 2903.01, 2903.02, 2903.03, 1162  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1163  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1164  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1165  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1166  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1167  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1168  
2925.03, or 3716.11 of the Revised Code; 1169

(b) An existing or former municipal ordinance or law of this 1170  
state, any other state, or the United States that is substantially 1171  
equivalent to any of the offenses listed in division (A)(2)(a) of 1172  
this section. 1173

(3) On receipt of a request pursuant to section 173.27, 1174  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1175  
completed form prescribed pursuant to division (C)(1) of this 1176  
section, and a set of fingerprint impressions obtained in the 1177  
manner described in division (C)(2) of this section, the 1178  
superintendent of the bureau of criminal identification and 1179  
investigation shall conduct a criminal records check with respect 1180  
to any person who has applied for employment in a position for 1181  
which a criminal records check is required by those sections. The 1182  
superintendent shall conduct the criminal records check in the 1183  
manner described in division (B) of this section to determine 1184  
whether any information exists that indicates that the person who 1185

is the subject of the request previously has been convicted of or 1186  
pleaded guilty to any of the following: 1187

(a) A violation of section 2903.01, 2903.02, 2903.03, 1188  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1189  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1190  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1191  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1192  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1193  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1194  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1195  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1196

(b) An existing or former law of this state, any other state, 1197  
or the United States that is substantially equivalent to any of 1198  
the offenses listed in division (A)(3)(a) of this section. 1199

(4) On receipt of a request pursuant to section 3701.881 of 1200  
the Revised Code with respect to an applicant for employment with 1201  
a home health agency as a person responsible for the care, 1202  
custody, or control of a child, a completed form prescribed 1203  
pursuant to division (C)(1) of this section, and a set of 1204  
fingerprint impressions obtained in the manner described in 1205  
division (C)(2) of this section, the superintendent of the bureau 1206  
of criminal identification and investigation shall conduct a 1207  
criminal records check. The superintendent shall conduct the 1208  
criminal records check in the manner described in division (B) of 1209  
this section to determine whether any information exists that 1210  
indicates that the person who is the subject of the request 1211  
previously has been convicted of or pleaded guilty to any of the 1212  
following: 1213

(a) A violation of section 2903.01, 2903.02, 2903.03, 1214  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1215  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1216  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1217

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1218  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1219  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1220  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1221  
violation of section 2925.11 of the Revised Code that is not a 1222  
minor drug possession offense; 1223

(b) An existing or former law of this state, any other state, 1224  
or the United States that is substantially equivalent to any of 1225  
the offenses listed in division (A)(4)(a) of this section. 1226

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1227  
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code ~~with~~ 1228  
~~respect to an applicant for employment with a waiver agency~~ 1229  
~~participating in a department of job and family services~~ 1230  
~~administered home and community based waiver program or an~~ 1231  
~~independent provider participating in a department administered~~ 1232  
~~home and community based waiver program in a position that~~ 1233  
~~involves providing home and community based waiver services to~~ 1234  
~~consumers with disabilities~~, a completed form prescribed pursuant 1235  
to division (C)(1) of this section, and a set of fingerprint 1236  
impressions obtained in the manner described in division (C)(2) of 1237  
this section, the superintendent of the bureau of criminal 1238  
identification and investigation shall conduct a criminal records 1239  
check. The superintendent shall conduct the criminal records check 1240  
in the manner described in division (B) of this section to 1241  
determine whether any information exists that indicates that the 1242  
person who is the subject of the request previously has been 1243  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 1244  
for intervention in lieu of conviction for any of the following: 1245

(a) A violation of section 2903.01, 2903.02, 2903.03, 1246  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1247  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1248  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1249



2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1250  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1251  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1252  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1253  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1254  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1255  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1256  
3716.11 of the Revised Code, felonious sexual penetration in 1257  
violation of former section 2907.12 of the Revised Code, a 1258  
violation of section 2905.04 of the Revised Code as it existed 1259  
prior to July 1, 1996, a violation of section 2919.23 of the 1260  
Revised Code that would have been a violation of section 2905.04 1261  
of the Revised Code as it existed prior to July 1, 1996, had the 1262  
violation been committed prior to that date; 1263

(b) An existing or former law of this state, any other state, 1264  
or the United States that is substantially equivalent to any of 1265  
the offenses listed in division (A)(5)(a) of this section. 1266

(6) On receipt of a request pursuant to section 3701.881 of 1267  
the Revised Code with respect to an applicant for employment with 1268  
a home health agency in a position that involves providing direct 1269  
care to an older adult, a completed form prescribed pursuant to 1270  
division (C)(1) of this section, and a set of fingerprint 1271  
impressions obtained in the manner described in division (C)(2) of 1272  
this section, the superintendent of the bureau of criminal 1273  
identification and investigation shall conduct a criminal records 1274  
check. The superintendent shall conduct the criminal records check 1275  
in the manner described in division (B) of this section to 1276  
determine whether any information exists that indicates that the 1277  
person who is the subject of the request previously has been 1278  
convicted of or pleaded guilty to any of the following: 1279

(a) A violation of section 2903.01, 2903.02, 2903.03, 1280  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1281

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1282  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1283  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1284  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1285  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1286  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1287  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1288

(b) An existing or former law of this state, any other state, 1289  
or the United States that is substantially equivalent to any of 1290  
the offenses listed in division (A)(6)(a) of this section. 1291

(7) When conducting a criminal records check upon a request 1292  
pursuant to section 3319.39 of the Revised Code for an applicant 1293  
who is a teacher, in addition to the determination made under 1294  
division (A)(1) of this section, the superintendent shall 1295  
determine whether any information exists that indicates that the 1296  
person who is the subject of the request previously has been 1297  
convicted of or pleaded guilty to any offense specified in section 1298  
3319.31 of the Revised Code. 1299

(8) On a request pursuant to section 2151.86 of the Revised 1300  
Code, a completed form prescribed pursuant to division (C)(1) of 1301  
this section, and a set of fingerprint impressions obtained in the 1302  
manner described in division (C)(2) of this section, the 1303  
superintendent of the bureau of criminal identification and 1304  
investigation shall conduct a criminal records check in the manner 1305  
described in division (B) of this section to determine whether any 1306  
information exists that indicates that the person who is the 1307  
subject of the request previously has been convicted of or pleaded 1308  
guilty to any of the following: 1309

(a) A violation of section 2903.01, 2903.02, 2903.03, 1310  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1311  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1312  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1313

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1314  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1315  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1316  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1317  
violation of section 2905.04 of the Revised Code as it existed 1318  
prior to July 1, 1996, a violation of section 2919.23 of the 1319  
Revised Code that would have been a violation of section 2905.04 1320  
of the Revised Code as it existed prior to July 1, 1996, had the 1321  
violation been committed prior to that date, a violation of 1322  
section 2925.11 of the Revised Code that is not a minor drug 1323  
possession offense, or felonious sexual penetration in violation 1324  
of former section 2907.12 of the Revised Code; 1325

(b) A violation of an existing or former law of this state, 1326  
any other state, or the United States that is substantially 1327  
equivalent to any of the offenses listed in division (A)(8)(a) of 1328  
this section. 1329

(9) When conducting a criminal records check on a request 1330  
pursuant to section 5104.013 of the Revised Code for a person who 1331  
is an owner, licensee, or administrator of a child day-care center 1332  
or type A family day-care home, an authorized provider of a 1333  
certified type B family day-care home, or an adult residing in a 1334  
type A or certified type B home, or when conducting a criminal 1335  
records check or a request pursuant to section 5104.012 of the 1336  
Revised Code for a person who is an applicant for employment in a 1337  
center, type A home, or certified type B home, the superintendent, 1338  
in addition to the determination made under division (A)(1) of 1339  
this section, shall determine whether any information exists that 1340  
indicates that the person has been convicted of or pleaded guilty 1341  
to any of the following: 1342

(a) A violation of section 2913.02, 2913.03, 2913.04, 1343  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1344  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1345

2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1346  
2921.13, or 2923.01 of the Revised Code, a violation of section 1347  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1348  
specified in this division or division (A)(1)(a) of this section, 1349  
or a second violation of section 4511.19 of the Revised Code 1350  
within five years of the date of application for licensure or 1351  
certification. 1352

(b) A violation of an existing or former law of this state, 1353  
any other state, or the United States that is substantially 1354  
equivalent to any of the offenses or violations described in 1355  
division (A)(9)(a) of this section. 1356

(10) Upon receipt of a request pursuant to section 5153.111 1357  
of the Revised Code, a completed form prescribed pursuant to 1358  
division (C)(1) of this section, and a set of fingerprint 1359  
impressions obtained in the manner described in division (C)(2) of 1360  
this section, the superintendent of the bureau of criminal 1361  
identification and investigation shall conduct a criminal records 1362  
check in the manner described in division (B) of this section to 1363  
determine whether any information exists that indicates that the 1364  
person who is the subject of the request previously has been 1365  
convicted of or pleaded guilty to any of the following: 1366

(a) A violation of section 2903.01, 2903.02, 2903.03, 1367  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1368  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1369  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1370  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1371  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1372  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1373  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1374  
felonious sexual penetration in violation of former section 1375  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1376  
Revised Code as it existed prior to July 1, 1996, a violation of 1377

section 2919.23 of the Revised Code that would have been a 1378  
violation of section 2905.04 of the Revised Code as it existed 1379  
prior to July 1, 1996, had the violation been committed prior to 1380  
that date, or a violation of section 2925.11 of the Revised Code 1381  
that is not a minor drug possession offense; 1382

(b) A violation of an existing or former law of this state, 1383  
any other state, or the United States that is substantially 1384  
equivalent to any of the offenses listed in division (A)(10)(a) of 1385  
this section. 1386

(11) On receipt of a request for a criminal records check 1387  
from an individual pursuant to section 4749.03 or 4749.06 of the 1388  
Revised Code, accompanied by a completed copy of the form 1389  
prescribed in division (C)(1) of this section and a set of 1390  
fingerprint impressions obtained in a manner described in division 1391  
(C)(2) of this section, the superintendent of the bureau of 1392  
criminal identification and investigation shall conduct a criminal 1393  
records check in the manner described in division (B) of this 1394  
section to determine whether any information exists indicating 1395  
that the person who is the subject of the request has been 1396  
convicted of or pleaded guilty to a felony in this state or in any 1397  
other state. If the individual indicates that a firearm will be 1398  
carried in the course of business, the superintendent shall 1399  
require information from the federal bureau of investigation as 1400  
described in division (B)(2) of this section. The superintendent 1401  
shall report the findings of the criminal records check and any 1402  
information the federal bureau of investigation provides to the 1403  
director of public safety. 1404

(12) On receipt of a request pursuant to section 1322.03, 1405  
1322.031, or 4763.05 of the Revised Code, a completed form 1406  
prescribed pursuant to division (C)(1) of this section, and a set 1407  
of fingerprint impressions obtained in the manner described in 1408  
division (C)(2) of this section, the superintendent of the bureau 1409

of criminal identification and investigation shall conduct a 1410  
criminal records check with respect to any person who has applied 1411  
for a license, permit, or certification from the department of 1412  
commerce or a division in the department. The superintendent shall 1413  
conduct the criminal records check in the manner described in 1414  
division (B) of this section to determine whether any information 1415  
exists that indicates that the person who is the subject of the 1416  
request previously has been convicted of or pleaded guilty to any 1417  
of the following: a violation of section 2913.02, 2913.11, 1418  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1419  
criminal offense involving theft, receiving stolen property, 1420  
embezzlement, forgery, fraud, passing bad checks, money 1421  
laundering, or drug trafficking, or any criminal offense involving 1422  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1423  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1424  
existing or former law of this state, any other state, or the 1425  
United States that is substantially equivalent to those offenses. 1426

(13) Not later than thirty days after the date the 1427  
superintendent receives the request, completed form, and 1428  
fingerprint impressions, the superintendent shall send the person, 1429  
board, or entity that made the request any information, other than 1430  
information the dissemination of which is prohibited by federal 1431  
law, the superintendent determines exists with respect to the 1432  
person who is the subject of the request that indicates that the 1433  
person previously has been convicted of or pleaded guilty to any 1434  
offense listed or described in division (A)(1), (2), (3), (4), 1435  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1436  
appropriate. The superintendent shall send the person, board, or 1437  
entity that made the request a copy of the list of offenses 1438  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1439  
(9), (10), (11), or (12) of this section, as appropriate. If the 1440  
request was made under section 3701.881 of the Revised Code with 1441  
regard to an applicant who may be both responsible for the care, 1442

custody, or control of a child and involved in providing direct 1443  
care to an older adult, the superintendent shall provide a list of 1444  
the offenses specified in divisions (A)(4) and (6) of this 1445  
section. 1446

(B) The superintendent shall conduct any criminal records 1447  
check requested under section 121.08, 173.27, 173.394, 1322.03, 1448  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1449  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1450  
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1451  
5126.281, or 5153.111 of the Revised Code as follows: 1452

(1) The superintendent shall review or cause to be reviewed 1453  
any relevant information gathered and compiled by the bureau under 1454  
division (A) of section 109.57 of the Revised Code that relates to 1455  
the person who is the subject of the request, including any 1456  
relevant information contained in records that have been sealed 1457  
under section 2953.32 of the Revised Code; 1458

(2) If the request received by the superintendent asks for 1459  
information from the federal bureau of investigation, the 1460  
superintendent shall request from the federal bureau of 1461  
investigation any information it has with respect to the person 1462  
who is the subject of the request and shall review or cause to be 1463  
reviewed any information the superintendent receives from that 1464  
bureau. 1465

(3) The superintendent or the superintendent's designee may 1466  
request criminal history records from other states or the federal 1467  
government pursuant to the national crime prevention and privacy 1468  
compact set forth in section 109.571 of the Revised Code. 1469

(C)(1) The superintendent shall prescribe a form to obtain 1470  
the information necessary to conduct a criminal records check from 1471  
any person for whom a criminal records check is required by 1472  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1473

3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1474  
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1475  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1476  
5153.111 of the Revised Code. The form that the superintendent 1477  
prescribes pursuant to this division may be in a tangible format, 1478  
in an electronic format, or in both tangible and electronic 1479  
formats. 1480

(2) The superintendent shall prescribe standard impression 1481  
sheets to obtain the fingerprint impressions of any person for 1482  
whom a criminal records check is required by section 121.08, 1483  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1484  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1485  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1486  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1487  
Code. Any person for whom a records check is required by any of 1488  
those sections shall obtain the fingerprint impressions at a 1489  
county sheriff's office, municipal police department, or any other 1490  
entity with the ability to make fingerprint impressions on the 1491  
standard impression sheets prescribed by the superintendent. The 1492  
office, department, or entity may charge the person a reasonable 1493  
fee for making the impressions. The standard impression sheets the 1494  
superintendent prescribes pursuant to this division may be in a 1495  
tangible format, in an electronic format, or in both tangible and 1496  
electronic formats. 1497

(3) Subject to division (D) of this section, the 1498  
superintendent shall prescribe and charge a reasonable fee for 1499  
providing a criminal records check requested under section 121.08, 1500  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1501  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1502  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1503  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1504  
Code. The person making a criminal records request under section 1505



121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1506  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1507  
4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~, 5111.033, 1508  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1509  
Code shall pay the fee prescribed pursuant to this division. A 1510  
person making a request under section 3701.881 of the Revised Code 1511  
for a criminal records check for an applicant who may be both 1512  
responsible for the care, custody, or control of a child and 1513  
involved in providing direct care to an older adult shall pay one 1514  
fee for the request. In the case of a request under section 1515  
5111.032 of the Revised Code, the fee shall be paid in the manner 1516  
specified in that section. 1517

(4) The superintendent of the bureau of criminal 1518  
identification and investigation may prescribe methods of 1519  
forwarding fingerprint impressions and information necessary to 1520  
conduct a criminal records check, which methods shall include, but 1521  
not be limited to, an electronic method. 1522

(D) A determination whether any information exists that 1523  
indicates that a person previously has been convicted of or 1524  
pleaded guilty to any offense listed or described in division 1525  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1526  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1527  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1528  
that is made by the superintendent with respect to information 1529  
considered in a criminal records check in accordance with this 1530  
section is valid for the person who is the subject of the criminal 1531  
records check for a period of one year from the date upon which 1532  
the superintendent makes the determination. During the period in 1533  
which the determination in regard to a person is valid, if another 1534  
request under this section is made for a criminal records check 1535  
for that person, the superintendent shall provide the information 1536  
that is the basis for the superintendent's initial determination 1537

at a lower fee than the fee prescribed for the initial criminal records check. 1538  
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request has been received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(7) of this section to any such request for an applicant who is a teacher. 1540  
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(F) As used in this section: 1546

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 1547  
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~~(2) "Home and community based waiver services" and "waiver agency" have the same meanings as in section 5111.95 of the Revised Code.~~ 1551  
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~~(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code.~~ 1554  
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~~(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~ 1556  
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~~(5)~~(3) "Older adult" means a person age sixty or older. 1558

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the special education scholarship pilot program. 1559  
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**Sec. 109.93.** The attorney general education fund is hereby created in the ~~custody of the treasurer of state~~ treasury. The fund shall consist of gifts and grants received by the attorney general for the purposes of the fund. The fund shall be 1564  
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administered by the attorney general and shall be used to support 1568  
various educational programs. These educational programs may 1569  
include programs for consumer protection, victims of crime, 1570  
environmental protection, drug abuse, child abuse, peace officer 1571  
training, crime prevention, and law. The fund may also be used to 1572  
pay costs associated with the solicitation of gifts and grants for 1573  
the purposes of the fund, and the costs of administering the fund. 1574  
The fund shall not be used to replace money spent by local 1575  
programs for similar purposes. 1576

**Sec. 111.18.** (A) The secretary of state shall keep a record 1577  
of all fees collected by the secretary of state and, subject to 1578  
division (B) of section 1309.528 of the Revised Code and except as 1579  
otherwise provided in the Revised Code, shall pay them into the 1580  
state treasury to the credit of the corporate and uniform 1581  
commercial code filing fund created by section 1309.528 of the 1582  
Revised Code. 1583

(B) The secretary of state may implement alternative payment 1584  
programs that permit payment of any fee charged by the secretary 1585  
of state by means other than cash, check, money order, or credit 1586  
card; an alternative payment program may include, but is not 1587  
limited to, one that permits a fee to be paid by electronic means 1588  
of transmission. Fees paid under an alternative payment program 1589  
shall be deposited to the credit of the secretary of state 1590  
alternative payment program fund, which is hereby created. ~~The~~ 1591  
~~secretary of state alternative payment program fund shall be in~~ 1592  
~~the custody of the treasurer of state but shall not be part of the~~ 1593  
state treasury. Any investment income of the secretary of state 1594  
alternative payment program fund shall be credited to that fund 1595  
and used to operate the alternative payment program. Within two 1596  
working days following the deposit of funds to the credit of the 1597  
secretary of state alternative payment program fund, the secretary 1598  
of state shall pay those funds ~~into the state treasury~~ to the 1599

credit of the corporate and uniform commercial code filing fund, 1600  
subject to division (B) of section 1309.401 of the Revised Code 1601  
and except as otherwise provided in the Revised Code. 1602

The secretary of state shall adopt rules necessary to carry 1603  
out the purposes of this division. 1604

**Sec. 117.11.** (A) Except as otherwise provided in this 1605  
division and in section 117.112 of the Revised Code, the auditor 1606  
of state shall audit each public office at least once every two 1607  
fiscal years. The auditor of state shall audit a public office 1608  
each fiscal year if that public office is required to be audited 1609  
on an annual basis pursuant to "The Single Audit Act of 1984," 98 1610  
Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the annual or 1611  
biennial audit, inquiry shall be made into the methods, accuracy, 1612  
and legality of the accounts, financial reports, records, files, 1613  
and reports of the office, whether the laws, rules, ordinances, 1614  
and orders pertaining to the office have been observed, and 1615  
whether the requirements and rules of the auditor of state have 1616  
been complied with. Except as otherwise provided in this division 1617  
or where auditing standards or procedures dictate otherwise, each 1618  
audit shall cover at least one fiscal year. If a public office is 1619  
audited only once every two fiscal years, the audit shall cover 1620  
both fiscal years. 1621

(B) In addition to the annual or biennial audit provided for 1622  
in division (A) of this section, the auditor of state may conduct 1623  
an audit of a public office at any time when so requested by the 1624  
public office or upon the auditor of state's own initiative if the 1625  
auditor of state has reasonable cause to believe that an 1626  
additional audit is in the public interest. 1627

(C)(1) The auditor of state shall identify any public office 1628  
in which the auditor of state will be unable to conduct an audit 1629  
at least once every two fiscal years as required by division (A) 1630

of this section and shall provide immediate written notice to the 1631  
clerk of the legislative authority or governing board of the 1632  
public office so identified. Within six months of the receipt of 1633  
such notice, the legislative authority or governing board may 1634  
engage an independent certified public accountant to conduct an 1635  
audit pursuant to section 117.12 of the Revised Code. 1636

(2) When the chief fiscal officer of a public office notifies 1637  
the auditor of state that an audit is required at a time prior to 1638  
the next regularly scheduled audit by the auditor of state, the 1639  
auditor of state shall either cause an earlier audit to be made by 1640  
the auditor of state or authorize the legislative authority or 1641  
governing board of the public office to engage an independent 1642  
certified public accountant to conduct the required audit. The 1643  
scope of the audit shall be as authorized by the auditor of state. 1644

(3) The auditor of state shall approve the scope of an audit 1645  
under division (C)(1) or (2) of this section as set forth in the 1646  
contract for the proposed audit before the contract is executed on 1647  
behalf of the public office that is to be audited. The independent 1648  
accountant conducting an audit under division (C)(1) or (2) of 1649  
this section shall be paid by the public office. 1650

(D) If a uniform accounting network is established under 1651  
section 117.101 of the Revised Code, the auditor of state or a 1652  
certified public accountant employed pursuant to this section or 1653  
section 115.56 or 117.112 of the Revised Code shall, to the extent 1654  
practicable, utilize services offered by the network in order to 1655  
conduct efficient and economical audits of public offices. 1656

(E) The auditor of state shall, in accordance with division 1657  
(A)(3) of section 9.65 of the Revised Code and this section, audit 1658  
an annuity program for volunteer fire fighters established by a 1659  
political subdivision under section 9.65 of the Revised Code. As 1660  
used in this section, "volunteer fire fighters" and "political 1661  
subdivision" have the same meanings as in division (C) of section 1662

9.65 of the Revised Code. 1663

Sec. 117.112. The auditor of state shall audit the Buckeye 1664  
tobacco settlement financing authority each fiscal year in 1665  
accordance with this chapter. The auditor may engage an 1666  
independent certified public accountant to conduct the audit. 1667

Sec. 119.07. Except when a statute prescribes a notice and 1668  
the persons to whom it shall be given, in all cases in which 1669  
section 119.06 of the Revised Code requires an agency to afford an 1670  
opportunity for a hearing prior to the issuance of an order, the 1671  
agency shall give notice to the party informing ~~him~~ the party of 1672  
~~his~~ the party's right to a hearing. Notice shall be given by 1673  
registered mail, return receipt requested, and shall include the 1674  
charges or other reasons for the proposed action, the law or rule 1675  
directly involved, and a statement informing the party that ~~he~~ the 1676  
party is entitled to a hearing if ~~he~~ the party requests it within 1677  
thirty days of the time of mailing the notice. The notice shall 1678  
also inform the party that at the hearing ~~he~~ the party may appear 1679  
in person, by ~~his~~ the party's attorney, or by such other 1680  
representative as is permitted to practice before the agency, or 1681  
may present ~~his~~ the party's position, arguments, or contentions in 1682  
writing and that at the hearing ~~he~~ the party may present evidence 1683  
and examine witnesses appearing for and against ~~him~~ the party. A 1684  
copy of the notice shall be mailed to attorneys or other 1685  
representatives of record representing the party. This paragraph 1686  
does not apply to situations in which such section provides for a 1687  
hearing only when it is requested by the party. 1688

When a statute specifically permits the suspension of a 1689  
license without a prior hearing, notice of the agency's order 1690  
shall be sent to the party by registered mail, return receipt 1691  
requested, not later than the business day next succeeding such 1692  
order. The notice shall state the reasons for the agency's action, 1693

cite the law or rule directly involved, and state that the party 1694  
will be afforded a hearing if ~~he~~ the party requests it within 1695  
thirty days of the time of mailing the notice. A copy of the 1696  
notice shall be mailed to attorneys or other representatives of 1697  
record representing the party. 1698

Whenever a party requests a hearing in accordance with this 1699  
section and section 119.06 of the Revised Code, the agency shall 1700  
immediately set the date, time, and place for the hearing and 1701  
forthwith notify the party thereof. The date set for the hearing 1702  
shall be within fifteen days, but not earlier than seven days, 1703  
after the party has requested a hearing, unless otherwise agreed 1704  
to by both the agency and the party. 1705

When any notice sent by registered mail, as required by 1706  
sections 119.01 to 119.13 of the Revised Code, is returned because 1707  
~~of failure of delivery~~ the party fails to claim the notice, the 1708  
agency shall send the notice by ordinary mail to the party at the 1709  
party's last known address and shall obtain a certificate of 1710  
mailing. Service by ordinary mail is complete when the certificate 1711  
of mailing is obtained unless the notice is returned showing 1712  
failure of delivery. 1713

If any notice sent by registered or ordinary mail is returned 1714  
for failure of delivery, the agency either shall make personal 1715  
delivery of the notice by an employee or agent of the agency or 1716  
shall cause a summary of the substantive provisions of the notice 1717  
to be published once a week for three consecutive weeks in a 1718  
newspaper of general circulation in the county where the last 1719  
known ~~place of residence or business~~ address of the party is 1720  
located. When notice is given by publication, a ~~copy of the~~ 1721  
~~newspaper~~ proof of publication affidavit, with the first 1722  
publication of the notice ~~marked~~ set forth in the affidavit, shall 1723  
be mailed by ordinary mail to the party at the party's last known 1724  
address and the notice shall be deemed received as of the date of 1725

the last publication. An employee or agent of the agency may make 1726  
personal delivery of the notice upon a party at any time. 1727

Refusal of delivery by personal service or by mail is not 1728  
failure of delivery and service is deemed to be complete. Failure 1729  
of delivery occurs only when a mailed notice is returned by the 1730  
postal authorities marked undeliverable, address or addressee 1731  
unknown, or forwarding address unknown or expired. A party's last 1732  
known address is the mailing address of the party appearing in the 1733  
records of the agency. 1734

The failure of an agency to give the notices for any hearing 1735  
required by sections 119.01 to 119.13 of the Revised Code in the 1736  
manner provided in this section shall invalidate any order entered 1737  
pursuant to the hearing. 1738

**Sec. 120.33.** (A) In lieu of using a county public defender or 1739  
joint county public defender to represent indigent persons in the 1740  
proceedings set forth in division (A) of section 120.16 of the 1741  
Revised Code, the board of county commissioners of any county may 1742  
adopt a resolution to pay counsel who are either personally 1743  
selected by the indigent person or appointed by the court. The 1744  
resolution shall include those provisions the board of county 1745  
commissioners considers necessary to provide effective 1746  
representation of indigent persons in any proceeding for which 1747  
counsel is provided under this section. The resolution shall 1748  
include provisions for contracts with any municipal corporation 1749  
under which the municipal corporation shall reimburse the county 1750  
for counsel appointed to represent indigent persons charged with 1751  
violations of the ordinances of the municipal corporation. 1752

(1) In a county that adopts a resolution to pay counsel, an 1753  
indigent person shall have the right to do either of the 1754  
following: 1755

(a) To select the person's own personal counsel to represent 1756



the person in any proceeding included within the provisions of the 1757  
resolution; 1758

(b) To request the court to appoint counsel to represent the 1759  
person in such a proceeding. 1760

(2) The court having jurisdiction over the proceeding in a 1761  
county that adopts a resolution to pay counsel shall, after 1762  
determining that the person is indigent and entitled to legal 1763  
representation under this section, do either of the following: 1764

(a) By signed journal entry recorded on its docket, enter the 1765  
name of the lawyer selected by the indigent person as counsel of 1766  
record; 1767

(b) Appoint counsel for the indigent person if the person has 1768  
requested the court to appoint counsel and, by signed journal 1769  
entry recorded on its dockets, enter the name of the lawyer 1770  
appointed for the indigent person as counsel of record. 1771

(3) The board of county commissioners shall establish a 1772  
schedule of fees by case or on an hourly basis to be paid to 1773  
counsel for legal services provided pursuant to a resolution 1774  
adopted under this section. Prior to establishing the schedule, 1775  
the board of county commissioners shall request the bar 1776  
association or associations of the county to submit a proposed 1777  
schedule. The schedule submitted shall be subject to the review, 1778  
amendment, and approval of the board of county commissioners. 1779

(4) Counsel selected by the indigent person or appointed by 1780  
the court at the request of an indigent person in a county that 1781  
adopts a resolution to pay counsel, except for counsel appointed 1782  
to represent a person charged with any violation of an ordinance 1783  
of a municipal corporation that has not contracted with the county 1784  
commissioners for the payment of appointed counsel, shall be paid 1785  
by the county and shall receive the compensation and expenses the 1786  
court approves. Each request for payment shall be accompanied by a 1787

financial disclosure form and an affidavit of indigency that are 1788  
completed by the indigent person on forms prescribed by the state 1789  
public defender. Compensation and expenses shall not exceed the 1790  
amounts fixed by the board of county commissioners in the schedule 1791  
adopted pursuant to division (A)(3) of this section. No court 1792  
shall approve compensation and expenses that exceed the amount 1793  
fixed pursuant to division (A)(3) of this section. 1794

The fees and expenses approved by the court shall not be 1795  
taxed as part of the costs and shall be paid by the county. 1796  
However, if the person represented has, or may reasonably be 1797  
expected to have, the means to meet some part of the cost of the 1798  
services rendered to the person, the person shall pay the county 1799  
an amount that the person reasonably can be expected to pay. 1800  
Pursuant to section 120.04 of the Revised Code, the county shall 1801  
pay to the state public defender a percentage of the payment 1802  
received from the person in an amount proportionate to the 1803  
percentage of the costs of the person's case that were paid to the 1804  
county by the state public defender pursuant to this section. The 1805  
money paid to the state public defender shall be credited to the 1806  
client payment fund created pursuant to division (B)(5) of section 1807  
120.04 of the Revised Code. 1808

The county auditor shall draw a warrant on the county 1809  
treasurer for the payment of counsel in the amount fixed by the 1810  
court, plus the expenses the court fixes and certifies to the 1811  
auditor. The county auditor shall report periodically, but not 1812  
less than annually, to the board of county commissioners and to 1813  
the ~~Ohio state~~ public defender ~~commission~~ the amounts paid out 1814  
pursuant to the approval of the court. The board of county 1815  
commissioners, after review and approval of the auditor's report, 1816  
or the county auditor, with permission from and notice to the 1817  
board of county commissioners, may then certify it to the state 1818  
public defender for reimbursement. ~~If a~~ The state public defender 1819

may pay a requested reimbursement only if the request for 1820  
reimbursement is not accompanied by a financial disclosure form 1821  
and an affidavit of indigency completed by the indigent person on 1822  
forms prescribed by the state public defender, the state public 1823  
defender shall not pay the requested reimbursement or if the court 1824  
certifies by electronic signature as prescribed by the state 1825  
public defender that a financial disclosure form and affidavit of 1826  
indigency have been completed by the indigent person and are 1827  
available for inspection. If a request for the reimbursement of 1828  
the cost of counsel in any case is not received by the state 1829  
public defender within ninety days after the end of the calendar 1830  
month in which the case is finally disposed of by the court, 1831  
unless the county has requested and the state public defender has 1832  
granted an extension of the ninety-day limit, the state public 1833  
defender shall not pay the requested reimbursement. The state 1834  
public defender shall also review the report and, in accordance 1835  
with the standards, guidelines, and maximums established pursuant 1836  
to divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1837  
prepare a voucher for fifty per cent of the total cost of each 1838  
county appointed counsel system in the period of time covered by 1839  
the certified report and a voucher for fifty per cent of the costs 1840  
and expenses that are reimbursable under section 120.35 of the 1841  
Revised Code, if any, or, if the amount of money appropriated by 1842  
the general assembly to reimburse counties for the operation of 1843  
county public defender offices, joint county public defender 1844  
offices, and county appointed counsel systems is not sufficient to 1845  
pay fifty per cent of the total cost of all of the offices and 1846  
systems other than costs and expenses that are reimbursable under 1847  
section 120.35 of the Revised Code, for the lesser amount required 1848  
by section 120.34 of the Revised Code. 1849

(5) If any county appointed counsel system fails to maintain 1850  
the standards for the conduct of the system established by the 1851  
rules of the Ohio public defender commission pursuant to divisions 1852

(B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

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

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

**Sec. 121.48.** There is hereby created the office of the

inspector general, to be headed by the inspector general. 1884

The governor shall appoint the inspector general, subject to 1885  
section 121.49 of the Revised Code and the advice and consent of 1886  
the senate. The inspector general shall hold office for a term 1887  
coinciding with the term of the appointing governor. The governor 1888  
may remove the inspector general from office only after delivering 1889  
written notice to the inspector general of the reasons for which 1890  
the governor intends to remove the inspector general from office 1891  
and providing the inspector general with an opportunity to appear 1892  
and show cause why the inspector general should not be removed. 1893

In addition to the duties imposed by section 121.42 of the 1894  
Revised Code, the inspector general shall manage the office of the 1895  
inspector general. The inspector general shall establish and 1896  
maintain offices in Columbus. 1897

The inspector general may ~~appoint~~ employ and fix the 1898  
compensation of one or more deputy inspectors general. Each deputy 1899  
inspector general shall serve for a term coinciding with the term 1900  
of the appointing inspector general, and shall perform the duties, 1901  
including the performance of investigations, that are assigned by 1902  
the inspector general. All deputy inspectors general are in the 1903  
unclassified service and serve at the pleasure of the inspector 1904  
general. 1905

In addition to deputy inspectors general, the inspector 1906  
general may ~~appoint~~ employ and fix the compensation of 1907  
professional, technical, and clerical employees that are necessary 1908  
for the effective and efficient operation of the office of the 1909  
inspector general. All professional, technical, and clerical 1910  
employees of the office of the inspector general are in the 1911  
unclassified service and serve at the pleasure of the appointing 1912  
inspector general. 1913

The inspector general may enter into any contracts that are 1914

necessary to the operation of the office of the inspector general. 1915  
The contracts may include, but are not limited to, contracts for 1916  
the services of persons who are experts in a particular field and 1917  
whose expertise is necessary to the successful completion of an 1918  
investigation. 1919

Not later than the first day of March in each year, the 1920  
inspector general shall publish an annual report summarizing the 1921  
activities of the inspector general's office during the previous 1922  
calendar year. The annual report shall not disclose the results of 1923  
any investigation insofar as the results are designated as 1924  
confidential under section 121.44 of the Revised Code. 1925

The inspector general shall provide copies of the inspector 1926  
general's annual report to the governor and the general assembly. 1927  
The inspector general also shall provide a copy of the annual 1928  
report to any other person who requests the copy and pays a fee 1929  
prescribed by the inspector general. The fee shall not exceed the 1930  
cost of reproducing and delivering the annual report. 1931

Sec. 122.051. There is hereby created in the state treasury 1932  
the international trade cooperative projects fund. The fund shall 1933  
consist of moneys received from private and nonprofit 1934  
organizations involved in cooperative agreements related to 1935  
import/export and direct foreign investment activities and cash 1936  
transfers from other state agencies or any state or local 1937  
government to encourage, promote, and assist trade and commerce 1938  
between this state and foreign nations, pursuant to section 122.05 1939  
and division (E) of section 122.04 of the Revised Code. 1940

Sec. 122.071. There is hereby created in the state treasury 1941  
the travel and tourism cooperative projects fund consisting of all 1942  
grants, gifts, and contributions made to the director of 1943  
development for marketing and promotion of travel and tourism 1944

within this state pursuant to division (F) of section 122.04 and 1945  
section 122.07 of the Revised Code. 1946

Sec. 122.076. There is hereby created in the state treasury 1947  
the energy projects fund consisting of nonfederal revenue that is 1948  
remitted to the director of development for the purpose of energy 1949  
projects. Money in the fund shall be used by the department of 1950  
development for energy projects and to pay the costs incurred in 1951  
administering the energy projects. 1952

**Sec. 122.17.** (A) As used in this section: 1953

(1) "Full-time employee" means an individual who is employed 1954  
for consideration for at least an average of thirty-five hours a 1955  
week ~~or~~, who renders any other standard of service generally 1956  
accepted by custom or specified by contract as full-time 1957  
employment, or who is employed for consideration for such time or 1958  
renders such service but is on family or medical leave under the 1959  
federal Family and Medical Leave Act of 1993, Pub. L. No. 103-3, 1960  
107 Stat. 6, as amended, or on active duty reserve or Ohio 1961  
national guard service. 1962

(2) "New employee" means one of the following: 1963

(a) A full-time employee first employed by a taxpayer in the 1964  
project that is the subject of the agreement after the taxpayer 1965  
enters into a tax credit agreement with the tax credit authority 1966  
under this section; 1967

(b) A full-time employee first employed by a taxpayer in the 1968  
project that is the subject of the tax credit after the tax credit 1969  
authority approves a project for a tax credit under this section 1970  
in a public meeting, as long as the taxpayer enters into the tax 1971  
credit agreement prepared by the department of development after 1972  
such meeting within sixty days after receiving the agreement from 1973  
the department. If the taxpayer fails to enter into the agreement 1974

within sixty days, "new employee" has the same meaning as under 1975  
division (A)(2)(a) of this section. A full-time employee may be 1976  
considered a "new employee" of a taxpayer, despite previously 1977  
having been employed by a related member of the taxpayer, if all 1978  
of the following apply: 1979

(i) The related member is a party to the tax credit agreement 1980  
at the time the employee is first employed with the taxpayer; 1981

(ii) The related member will remain subject to the tax 1982  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 1983  
under Chapter 5751. of the Revised Code for the remainder of the 1984  
term of the tax credit, and the tax credit is taken against 1985  
liability for that same tax through the remainder of the term of 1986  
the tax credit; and 1987

(iii) The employee was considered a new employee of the 1988  
related member prior to employment with the taxpayer. 1989

Under division (A)(2)(a) or (b) of this section, if the tax 1990  
credit authority determines it appropriate, "new employee" also 1991  
may include an employee re-hired or called back from lay-off to 1992  
work in a new facility or on a new product or service established 1993  
or produced by the taxpayer after entering into the agreement 1994  
under this section or after the tax credit authority approves the 1995  
tax credit in a public meeting. Except as otherwise provided in 1996  
this paragraph, "new employee" does not include any employee of 1997  
the taxpayer who was previously employed in this state by a 1998  
related member of the taxpayer and whose employment was shifted to 1999  
the taxpayer after the taxpayer entered into the tax credit 2000  
agreement or after the tax credit authority approved the credit in 2001  
a public meeting, or any employee of the taxpayer for which the 2002  
taxpayer has been granted a certificate under division (B) of 2003  
section 5709.66 of the Revised Code. However, if the taxpayer is 2004  
engaged in the enrichment and commercialization of uranium or 2005  
uranium products or is engaged in research and development 2006



activities related thereto and if the tax credit authority 2007  
determines it appropriate, "new employee" may include an employee 2008  
of the taxpayer who was previously employed in this state by a 2009  
related member of the taxpayer and whose employment was shifted to 2010  
the taxpayer after the taxpayer entered into the tax credit 2011  
agreement or after the tax credit authority approved the credit in 2012  
a public meeting. "New employee" does not include an employee of 2013  
the taxpayer who is employed in an employment position that was 2014  
relocated to a project from other operations of the taxpayer in 2015  
this state or from operations of a related member of the taxpayer 2016  
in this state. In addition, "new employee" does not include a 2017  
child, grandchild, parent, or spouse, other than a spouse who is 2018  
legally separated from the individual, of any individual who is an 2019  
employee of the taxpayer and who has a direct or indirect 2020  
ownership interest of at least five per cent in the profits, 2021  
capital, or value of the taxpayer. Such ownership interest shall 2022  
be determined in accordance with section 1563 of the Internal 2023  
Revenue Code and regulations prescribed thereunder. 2024

(3) "New income tax revenue" means the total amount withheld 2025  
under section 5747.06 of the Revised Code by the taxpayer during 2026  
the taxable year, or during the calendar year that includes the 2027  
tax period, from the compensation of new employees for the tax 2028  
levied under Chapter 5747. of the Revised Code. 2029

(4) "Related member" has the same meaning as under division 2030  
(A)(6) of section 5733.042 of the Revised Code without regard to 2031  
division (B) of that section. 2032

(B) The tax credit authority may make grants under this 2033  
section to foster job creation in this state. Such a grant shall 2034  
take the form of a refundable credit allowed against the tax 2035  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2036  
under Chapter 5751. of the Revised Code. The credit shall be 2037  
claimed for the taxable years or tax periods specified in the 2038

taxpayer's agreement with the tax credit authority under division 2039  
(D) of this section. With respect to taxes imposed under section 2040  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2041  
credit shall be claimed in the order required under section 2042  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2043  
the credit available for a taxable year or for a calendar year 2044  
that includes a tax period equals the new income tax revenue for 2045  
that year multiplied by the percentage specified in the agreement 2046  
with the tax credit authority. Any credit granted under this 2047  
section against the tax imposed by section 5733.06 or 5747.02 of 2048  
the Revised Code, to the extent not fully utilized against such 2049  
tax for taxable years ending prior to 2008, shall automatically be 2050  
converted without any action taken by the tax credit authority to 2051  
a credit against the tax levied under Chapter 5751. of the Revised 2052  
Code for tax periods beginning on or after July 1, 2008, provided 2053  
that the person to whom the credit was granted is subject to such 2054  
tax. The converted credit shall apply to those calendar years in 2055  
which the remaining taxable years specified in the agreement end. 2056

(C) A taxpayer or potential taxpayer who proposes a project 2057  
to create new jobs in this state may apply to the tax credit 2058  
authority to enter into an agreement for a tax credit under this 2059  
section. The director of development shall prescribe the form of 2060  
the application. After receipt of an application, the authority 2061  
may enter into an agreement with the taxpayer for a credit under 2062  
this section if it determines all of the following: 2063

(1) The taxpayer's project will create new jobs in this 2064  
state; 2065

(2) The taxpayer's project is economically sound and will 2066  
benefit the people of this state by increasing opportunities for 2067  
employment and strengthening the economy of this state; 2068

(3) Receiving the tax credit is a major factor in the 2069  
taxpayer's decision to go forward with the project. 2070

(D) An agreement under this section shall include all of the following: 2071  
2072

(1) A detailed description of the project that is the subject of the agreement; 2073  
2074

(2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed; 2075  
2076  
2077

(3) A requirement that the taxpayer shall maintain operations at the project location for at least twice the number of years as the term of the tax credit; 2078  
2079  
2080

(4) The percentage, as determined by the tax credit authority, of new income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period; 2081  
2082  
2083  
2084

(5) A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax period; 2085  
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(6) A requirement that the taxpayer annually shall report to the director of development the number of new employees, the new income tax revenue withheld in connection with the new employees, and any other information the director needs to perform the director's duties under this section; 2088  
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(7) A requirement that the director of development annually shall verify the amounts reported under division (D)(6) of this section, and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified; 2093  
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(8)(a) A provision requiring that the taxpayer, except as otherwise provided in division (D)(8)(b) of this section, shall not relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement for the 2097  
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lesser of five years from the date the agreement is entered into 2101  
or the number of years the taxpayer is entitled to claim the tax 2102  
credit. 2103

(b) The taxpayer may relocate employment positions from 2104  
elsewhere in this state to the project site that is the subject of 2105  
the agreement if the director of development determines both of 2106  
the following: 2107

(i) That the site from which the employment positions would 2108  
be relocated is inadequate to meet market and industry conditions, 2109  
expansion plans, consolidation plans, or other business 2110  
considerations affecting the taxpayer; 2111

(ii) That the legislative authority of the county, township, 2112  
or municipal corporation from which the employment positions would 2113  
be relocated has been notified of the relocation. 2114

For purposes of this section, the movement of an employment 2115  
position from one political subdivision to another political 2116  
subdivision shall be considered a relocation of an employment 2117  
position, but the transfer of an individual employee from one 2118  
political subdivision to another political subdivision shall not 2119  
be considered a relocation of an employment position as long as 2120  
the individual's employment position in the first political 2121  
subdivision is refilled. 2122

(E) If a taxpayer fails to meet or comply with any condition 2123  
or requirement set forth in a tax credit agreement, the tax credit 2124  
authority may amend the agreement to reduce the percentage or term 2125  
of the tax credit. The reduction of the percentage or term shall 2126  
take effect (1) in the taxable year immediately following the 2127  
taxable year in which the authority amends the agreement or the 2128  
director of development notifies the taxpayer in writing of such 2129  
failure, or (2) in the first tax period beginning in the calendar 2130  
year immediately following the calendar year in which the 2131

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

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

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

information taken for any purpose from such statements or 2164  
information, are not public records subject to section 149.43 of 2165  
the Revised Code. However, the chairperson of the authority may 2166  
make use of the statements and other information for purposes of 2167  
issuing public reports or in connection with court proceedings 2168  
concerning tax credit agreements under this section. Upon the 2169  
request of the tax commissioner or, if the applicant or recipient 2170  
is an insurance company, upon the request of the superintendent of 2171  
insurance, the chairperson of the authority shall provide to the 2172  
commissioner or superintendent any statement or information 2173  
submitted by an applicant or recipient of a tax credit in 2174  
connection with the credit. The commissioner or superintendent 2175  
shall preserve the confidentiality of the statement or 2176  
information. 2177

(H) A taxpayer claiming a credit under this section shall 2178  
submit to the tax commissioner or, if the taxpayer is an insurance 2179  
company, to the superintendent of insurance, a copy of the 2180  
director of development's certificate of verification under 2181  
division (D)(7) of this section with the taxpayer's tax report or 2182  
return for the taxable year or for the calendar year that includes 2183  
the tax period. Failure to submit a copy of the certificate with 2184  
the report or return does not invalidate a claim for a credit if 2185  
the taxpayer submits a copy of the certificate to the commissioner 2186  
or superintendent within sixty days after the commissioner or 2187  
superintendent requests it. 2188

(I) The director of development, after consultation with the 2189  
tax commissioner and the superintendent of insurance and in 2190  
accordance with Chapter 119. of the Revised Code, shall adopt 2191  
rules necessary to implement this section. The rules may provide 2192  
for recipients of tax credits under this section to be charged 2193  
fees to cover administrative costs of the tax credit program. The 2194  
fees collected shall be credited to the tax incentive programs 2195

operating fund created in section 122.174 of the Revised Code. At 2196  
the time the director gives public notice under division (A) of 2197  
section 119.03 of the Revised Code of the adoption of the rules, 2198  
the director shall submit copies of the proposed rules to the 2199  
chairpersons of the standing committees on economic development in 2200  
the senate and the house of representatives. 2201

(J) For the purposes of this section, a taxpayer may include 2202  
a partnership, a corporation that has made an election under 2203  
subchapter S of chapter one of subtitle A of the Internal Revenue 2204  
Code, or any other business entity through which income flows as a 2205  
distributive share to its owners. ~~A credit received under this~~ 2206  
~~section by a~~ partnership, S-corporation, or other such business 2207  
entity ~~shall be apportioned among~~ may elect to pass the credit 2208  
received under this section through to the persons to whom the 2209  
income or profit of the partnership, S-corporation, or other 2210  
entity is distributed<sup>7</sup>. The election shall be made on the annual 2211  
report required under division (D)(6) of this section. The 2212  
election applies to and is irrevocable for the credit for which 2213  
the report is submitted. If the election is made, the credit shall 2214  
be apportioned among those persons in the same proportions as 2215  
those in which the income or profit is distributed. 2216

(K) If the director of development determines that a taxpayer 2217  
who has received a credit under this section is not complying with 2218  
the requirement under division (D)(3) of this section, the 2219  
director shall notify the tax credit authority of the 2220  
noncompliance. After receiving such a notice, and after giving the 2221  
taxpayer an opportunity to explain the noncompliance, the tax 2222  
credit authority may require the taxpayer to refund to this state 2223  
a portion of the credit in accordance with the following: 2224

(1) If the taxpayer maintained operations at the project 2225  
location for at least one and one-half times the number of years 2226  
of the term of the tax credit, an amount not exceeding twenty-five 2227

per cent of the sum of any previously allowed credits under this 2228  
section; 2229

(2) If the taxpayer maintained operations at the project 2230  
location for at least the number of years of the term of the tax 2231  
credit, an amount not exceeding fifty per cent of the sum of any 2232  
previously allowed credits under this section; 2233

(3) If the taxpayer maintained operations at the project 2234  
location for less than the number of years of the term of the tax 2235  
credit, an amount not exceeding one hundred per cent of the sum of 2236  
any previously allowed credits under this section. 2237

In determining the portion of the tax credit to be refunded 2238  
to this state, the tax credit authority shall consider the effect 2239  
of market conditions on the taxpayer's project and whether the 2240  
taxpayer continues to maintain other operations in this state. 2241  
After making the determination, the authority shall certify the 2242  
amount to be refunded to the tax commissioner or superintendent of 2243  
insurance, as appropriate. If the amount is certified to the 2244  
commissioner, the commissioner shall make an assessment for that 2245  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2246  
of the Revised Code. If the amount is certified to the 2247  
superintendent, the superintendent shall make an assessment for 2248  
that amount against the taxpayer under Chapter 5725. or 5729. of 2249  
the Revised Code. The time limitations on assessments under those 2250  
chapters do not apply to an assessment under this division, but 2251  
the commissioner or superintendent, as appropriate, shall make the 2252  
assessment within one year after the date the authority certifies 2253  
to the commissioner or superintendent the amount to be refunded. 2254

(L) On or before the thirty-first day of March each year, the 2255  
director of development shall submit a report to the governor, the 2256  
president of the senate, and the speaker of the house of 2257  
representatives on the tax credit program under this section. The 2258  
report shall include information on the number of agreements that 2259



were entered into under this section during the preceding calendar 2260  
year, a description of the project that is the subject of each 2261  
such agreement, and an update on the status of projects under 2262  
agreements entered into before the preceding calendar year. 2263

(M) There is hereby created the tax credit authority, which 2264  
consists of the director of development and four other members 2265  
appointed as follows: the governor, the president of the senate, 2266  
and the speaker of the house of representatives each shall appoint 2267  
one member who shall be a specialist in economic development; the 2268  
governor also shall appoint a member who is a specialist in 2269  
taxation. Of the initial appointees, the members appointed by the 2270  
governor shall serve a term of two years; the members appointed by 2271  
the president of the senate and the speaker of the house of 2272  
representatives shall serve a term of four years. Thereafter, 2273  
terms of office shall be for four years. Initial appointments to 2274  
the authority shall be made within thirty days after January 13, 2275  
1993. Each member shall serve on the authority until the end of 2276  
the term for which the member was appointed. Vacancies shall be 2277  
filled in the same manner provided for original appointments. Any 2278  
member appointed to fill a vacancy occurring prior to the 2279  
expiration of the term for which the member's predecessor was 2280  
appointed shall hold office for the remainder of that term. 2281  
Members may be reappointed to the authority. Members of the 2282  
authority shall receive their necessary and actual expenses while 2283  
engaged in the business of the authority. The director of 2284  
development shall serve as chairperson of the authority, and the 2285  
members annually shall elect a vice-chairperson from among 2286  
themselves. Three members of the authority constitute a quorum to 2287  
transact and vote on the business of the authority. The majority 2288  
vote of the membership of the authority is necessary to approve 2289  
any such business, including the election of the vice-chairperson. 2290

The director of development may appoint a professional 2291

employee of the department of development to serve as the 2292  
director's substitute at a meeting of the authority. The director 2293  
shall make the appointment in writing. In the absence of the 2294  
director from a meeting of the authority, the appointed substitute 2295  
shall serve as chairperson. In the absence of both the director 2296  
and the director's substitute from a meeting, the vice-chairperson 2297  
shall serve as chairperson. 2298

(N) For purposes of the credits granted by this section 2299  
against the taxes imposed under sections 5725.18 and 5729.03 of 2300  
the Revised Code, "taxable year" means the period covered by the 2301  
taxpayer's annual statement to the superintendent of insurance. 2302

**Sec. 122.171.** (A) As used in this section: 2303

(1) "Capital investment project" means a plan of investment 2304  
at a project site for the acquisition, construction, renovation, 2305  
or repair of buildings, machinery, or equipment, or for 2306  
capitalized costs of basic research and new product development 2307  
determined in accordance with generally accepted accounting 2308  
principles, but does not include any of the following: 2309

(a) Payments made for the acquisition of personal property 2310  
through operating leases; 2311

(b) Project costs paid before January 1, 2002; 2312

(c) Payments made to a related member as defined in section 2313  
5733.042 of the Revised Code or to an elected consolidated 2314  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2315  
the Revised Code. 2316

(2) "Eligible business" means a business with Ohio operations 2317  
satisfying all of the following: 2318

(a) Employed an average of at least one thousand employees in 2319  
full-time employment positions at a project site during each of 2320  
the twelve months preceding the application for a tax credit under 2321

this section; and 2322

(b) On or after January 1, 2002, has made or has caused to be 2323  
made payments for the capital investment project, including 2324  
payments made by an unrelated third party entity as a result of a 2325  
lease of not less than twenty years in term, of either of the 2326  
following: 2327

(i) At least two hundred million dollars in the aggregate at 2328  
the project site during a period of three consecutive calendar 2329  
years including the calendar year that includes a day of the 2330  
taxpayer's taxable year or tax period with respect to which the 2331  
credit is granted; 2332

(ii) If the average wage of all full-time employment 2333  
positions at the project site is greater than four hundred per 2334  
cent of the federal minimum wage, at least one hundred million 2335  
dollars in the aggregate at the project site during a period of 2336  
three consecutive calendar years including the calendar year that 2337  
includes a day of the taxpayer's taxable year or tax period with 2338  
respect to which the credit is granted. 2339

(c) Is engaged at the project site primarily as a 2340  
manufacturer or is providing significant corporate administrative 2341  
functions<sup>+</sup>. If the investment under division (A)(2)(b) of this 2342  
section was made by a third party entity as a result of a lease of 2343  
not less than twenty years in term, the project must include 2344  
headquarters operations that are part of a mixed use development 2345  
that includes at least two of the following: office, hotel, 2346  
research and development, or retail facilities. 2347

(d) Has had a capital investment project reviewed and 2348  
approved by the tax credit authority as provided in divisions (C), 2349  
(D), and (E) of this section. 2350

(3) "Full-time employment position" means a position of 2351  
employment for consideration for at least an average of 2352

thirty-five hours a week that has been filled for at least one 2353  
hundred eighty days immediately preceding the filing of an 2354  
application under this section and for at least one hundred eighty 2355  
days during each taxable year or each calendar year that includes 2356  
a tax period with respect to which the credit is granted, or is 2357  
employed in such position for consideration for such time, but is 2358  
on active duty reserve or Ohio national guard service. 2359

(4) "Manufacturer" has the same meaning as in section 2360  
5739.011 of the Revised Code. 2361

(5) "Project site" means an integrated complex of facilities 2362  
in this state, as specified by the tax credit authority under this 2363  
section, within a fifteen-mile radius where a taxpayer is 2364  
primarily operating as an eligible business. 2365

(6) "Applicable corporation" means a corporation satisfying 2366  
all of the following: 2367

(a)(i) For the entire taxable year immediately preceding the 2368  
tax year, the corporation develops software applications primarily 2369  
to provide telecommunication billing and information services 2370  
through outsourcing or licensing to domestic or international 2371  
customers. 2372

(ii) Sales and licensing of software generated at least six 2373  
hundred million dollars in revenue during the taxable year 2374  
immediately preceding the tax year the corporation is first 2375  
entitled to claim the credit provided under division (B) of this 2376  
section. 2377

(b) For the entire taxable year immediately preceding the tax 2378  
year, the corporation or one or more of its related members 2379  
provides customer or employee care and technical support for 2380  
clients through one or more contact centers within this state, and 2381  
the corporation and its related members together have a daily 2382  
average, based on a three-hundred-sixty-five-day year, of at least 2383

five hundred thousand successful customer contacts through one or 2384  
more of their contact centers, wherever located. 2385

(c) The corporation is eligible for the credit under division 2386  
(B) of this section for the tax year. 2387

(7) "Related member" has the same meaning as in section 2388  
5733.042 of the Revised Code as that section existed on the 2389  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2390  
general assembly, September 29, 1997. 2391

(8) "Successful customer contact" means a contact with an end 2392  
user via telephone, including interactive voice recognition or 2393  
similar means, where the contact culminates in a conversation or 2394  
connection other than a busy signal or equipment busy. 2395

(9) "Telecommunications" means all forms of 2396  
telecommunications service as defined in section 5739.01 of the 2397  
Revised Code, and includes services in wireless, wireline, cable, 2398  
broadband, internet protocol, and satellite. 2399

(10)(a) "Applicable difference" means the difference between 2400  
the tax for the tax year under Chapter 5733. of the Revised Code 2401  
applying the law in effect for that tax year, and the tax for that 2402  
tax year if section 5733.042 of the Revised Code applied as that 2403  
section existed on the effective date of its amendment by Am. Sub. 2404  
H.B. 215 of the 122nd general assembly, September 29, 1997, 2405  
subject to division (A)(10)(b) of this section. 2406

(b) If the tax rate set forth in division (B) of section 2407  
5733.06 of the Revised Code for the tax year is less than eight 2408  
and one-half per cent, the tax calculated under division 2409  
(A)(10)(a) of this section shall be computed by substituting a tax 2410  
rate of eight and one-half per cent for the rate set forth in 2411  
division (B) of section 5733.06 of the Revised Code for the tax 2412  
year. 2413

(c) If the resulting difference is negative, the applicable 2414

tax difference for the tax year shall be zero. 2415

(B) The tax credit authority created under section 122.17 of 2416  
the Revised Code may grant tax credits under this section for the 2417  
purpose of fostering job retention in this state. Upon application 2418  
by an eligible business and upon consideration of the 2419  
recommendation of the director of budget and management, tax 2420  
commissioner, and director of development under division (C) of 2421  
this section, the tax credit authority may grant to an eligible 2422  
business a nonrefundable credit against the tax imposed by section 2423  
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2424  
taxable years and against the tax levied by Chapter 5751. of the 2425  
Revised Code for a period of up to fifteen calendar years 2426  
provided, however, that if the project site is leased, the term of 2427  
the tax credit cannot exceed the lesser of fifteen years or 2428  
one-half the term of the lease, including any permitted renewal 2429  
periods. The credit shall be in an amount not exceeding 2430  
seventy-five per cent of the Ohio income tax withheld from the 2431  
employees of the eligible business occupying full-time employment 2432  
positions at the project site during the calendar year that 2433  
includes the last day of such business' taxable year or tax period 2434  
with respect to which the credit is granted. The amount of the 2435  
credit shall not be based on the Ohio income tax withheld from 2436  
full-time employees for a calendar year prior to the calendar year 2437  
in which the minimum investment requirement referred to in 2438  
division (A)(2)(b) of this section is completed. The credit shall 2439  
be claimed only for the taxable years or tax periods specified in 2440  
the eligible business' agreement with the tax credit authority 2441  
under division (E) of this section, but in no event shall the 2442  
credit be claimed for a taxable year or tax period terminating 2443  
before the date specified in the agreement. Any credit granted 2444  
under this section against the tax imposed by section 5733.06 or 2445  
5747.02 of the Revised Code, to the extent not fully utilized 2446  
against such tax for taxable years ending prior to 2008, shall 2447

automatically be converted without any action taken by the tax 2448  
credit authority to a credit against the tax levied under Chapter 2449  
5751. of the Revised Code for tax periods beginning on or after 2450  
July 1, 2008, provided that the person to whom the credit was 2451  
granted is subject to such tax. The converted credit shall apply 2452  
to those calendar years in which the remaining taxable years 2453  
specified in the agreement end. 2454

The credit computed under this division is in addition to any 2455  
credit allowed under division (M) of this section which the tax 2456  
credit authority may also include in the agreement. 2457

Any unused portion of a tax credit may be carried forward for 2458  
not more than three additional years after the year for which the 2459  
credit is granted. 2460

(C) A taxpayer that proposes a capital investment project to 2461  
retain jobs in this state may apply to the tax credit authority to 2462  
enter into an agreement for a tax credit under this section. The 2463  
director of development shall prescribe the form of the 2464  
application. After receipt of an application, the authority shall 2465  
forward copies of the application to the director of budget and 2466  
management, the tax commissioner, and the director of development, 2467  
each of whom shall review the application to determine the 2468  
economic impact the proposed project would have on the state and 2469  
the affected political subdivisions and shall submit a summary of 2470  
their determinations and recommendations to the authority. 2471

(D) Upon review of the determinations and recommendations 2472  
described in division (C) of this section, the tax credit 2473  
authority may enter into an agreement with the taxpayer for a 2474  
credit under this section if the authority determines all of the 2475  
following: 2476

(1) The taxpayer's capital investment project will result in 2477  
the retention of full-time employment positions in this state. 2478

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.	2479 2480
(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	2481 2482 2483
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	2484 2485
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	2486 2487 2488
(E) An agreement under this section shall include all of the following:	2489 2490
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	2491 2492 2493 2494
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	2495 2496 2497
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	2498 2499
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	2500 2501 2502
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division	2503 2504 2505 2506 2507 2508



(E)(7) of this section. 2509

(6) A requirement that the taxpayer annually report to the 2510  
director of development the number of full-time employment 2511  
positions subject to the credit, the amount of tax withheld from 2512  
employees in those positions, the amount of the payments made for 2513  
the capital investment project, and any other information the 2514  
director needs to perform the director's duties under this 2515  
section. 2516

(7) A requirement that the director of development annually 2517  
review the annual reports of the taxpayer to verify the 2518  
information reported under division (E)(6) of this section and 2519  
compliance with the agreement. Upon verification, the director 2520  
shall issue a certificate to the taxpayer stating that the 2521  
information has been verified and identifying the amount of the 2522  
credit for the taxable year. Unless otherwise specified by the tax 2523  
credit authority in a resolution and included as part of the 2524  
agreement, the director shall not issue a certificate for any year 2525  
in which the total number of filled full-time employment positions 2526  
for each day of the calendar year divided by three hundred 2527  
sixty-five is less than ninety per cent of the full-time 2528  
employment positions specified in division (E)(5) of this section. 2529  
In determining the number of full-time employment positions, no 2530  
position shall be counted that is filled by an employee who is 2531  
included in the calculation of a tax credit under section 122.17 2532  
of the Revised Code. 2533

(8)(a) A provision requiring that the taxpayer, except as 2534  
otherwise provided in division (E)(8)(b) of this section, shall 2535  
not relocate employment positions from elsewhere in this state to 2536  
the project site that is the subject of the agreement for the 2537  
lesser of five years from the date the agreement is entered into 2538  
or the number of years the taxpayer is entitled to claim the 2539  
credit. 2540

(b) The taxpayer may relocate employment positions from 2541  
elsewhere in this state to the project site that is the subject of 2542  
the agreement if the director of development determines both of 2543  
the following: 2544

(i) That the site from which the employment positions would 2545  
be relocated is inadequate to meet market and industry conditions, 2546  
expansion plans, consolidation plans, or other business 2547  
considerations affecting the taxpayer; 2548

(ii) That the legislative authority of the county, township, 2549  
or municipal corporation from which the employment positions would 2550  
be relocated has been notified of the relocation. 2551

For purposes of this section, the movement of an employment 2552  
position from one political subdivision to another political 2553  
subdivision shall be considered a relocation of an employment 2554  
position unless the movement is confined to the project site. The 2555  
transfer of an individual employee from one political subdivision 2556  
to another political subdivision shall not be considered a 2557  
relocation of an employment position as long as the individual's 2558  
employment position in the first political subdivision is 2559  
refilled. 2560

(9) A waiver by the taxpayer of any limitations periods 2561  
relating to assessments or adjustments resulting from the 2562  
taxpayer's failure to comply with the agreement. 2563

(F) If a taxpayer fails to meet or comply with any condition 2564  
or requirement set forth in a tax credit agreement, the tax credit 2565  
authority may amend the agreement to reduce the percentage or term 2566  
of the credit. The reduction of the percentage or term shall take 2567  
effect (1) in the taxable year immediately following the taxable 2568  
year in which the authority amends the agreement or the director 2569  
of development notifies the taxpayer in writing of such failure, 2570  
or (2) in the first tax period beginning in the calendar year 2571

immediately following the calendar year in which the authority 2572  
amends the agreement or the director notifies the taxpayer in 2573  
writing of such failure. If the taxpayer fails to annually report 2574  
any of the information required by division (E)(6) of this section 2575  
within the time required by the director, the reduction of the 2576  
percentage or term may take effect in the current taxable year. If 2577  
the taxpayer relocates employment positions in violation of the 2578  
provision required under division (D)(8)(a) of this section, the 2579  
taxpayer shall not claim the tax credit under section 5733.0610 of 2580  
the Revised Code for any tax years following the calendar year in 2581  
which the relocation occurs, shall not claim the tax credit under 2582  
section 5747.058 of the Revised Code for the taxable year in which 2583  
the relocation occurs and any subsequent taxable years, and shall 2584  
not claim the tax credit under division (A) of section 5751.50 of 2585  
the Revised Code for the tax period in which the relocation occurs 2586  
and any subsequent tax periods. 2587

(G) Financial statements and other information submitted to 2588  
the department of development or the tax credit authority by an 2589  
applicant for or recipient of a tax credit under this section, and 2590  
any information taken for any purpose from such statements or 2591  
information, are not public records subject to section 149.43 of 2592  
the Revised Code. However, the chairperson of the authority may 2593  
make use of the statements and other information for purposes of 2594  
issuing public reports or in connection with court proceedings 2595  
concerning tax credit agreements under this section. Upon the 2596  
request of the tax commissioner, the chairperson of the authority 2597  
shall provide to the commissioner any statement or other 2598  
information submitted by an applicant for or recipient of a tax 2599  
credit in connection with the credit. The commissioner shall 2600  
preserve the confidentiality of the statement or other 2601  
information. 2602

(H) A taxpayer claiming a tax credit under this section shall 2603

submit to the tax commissioner a copy of the director of 2604  
development's certificate of verification under division (E)(7) of 2605  
this section with the taxpayer's tax report or return for the 2606  
taxable year or for the calendar year that includes the tax 2607  
period. Failure to submit a copy of the certificate with the 2608  
report or return does not invalidate a claim for a credit if the 2609  
taxpayer submits a copy of the certificate to the commissioner 2610  
within sixty days after the commissioner requests it. 2611

(I) For the purposes of this section, a taxpayer may include 2612  
a partnership, a corporation that has made an election under 2613  
subchapter S of chapter one of subtitle A of the Internal Revenue 2614  
Code, or any other business entity through which income flows as a 2615  
distributive share to its owners. ~~A tax credit received under this~~ 2616  
~~section by a partnership, S-corporation, or other such business~~ 2617  
~~entity shall be apportioned among~~ may elect to pass the credit 2618  
received under this section through to the persons to whom the 2619  
income or profit of the partnership, S-corporation, or other 2620  
entity is distributed<sup>7</sup>. The election shall be made on the annual 2621  
report required under division (E)(6) of this section. The 2622  
election applies to and is irrevocable for the credit for which 2623  
the report is submitted. If the election is made, the credit shall 2624  
be apportioned among those persons in the same proportions as 2625  
those in which the income or profit is distributed. 2626

(J) If the director of development determines that a taxpayer 2627  
that received a tax credit under this section is not complying 2628  
with the requirement under division (E)(4) of this section, the 2629  
director shall notify the tax credit authority of the 2630  
noncompliance. After receiving such a notice, and after giving the 2631  
taxpayer an opportunity to explain the noncompliance, the 2632  
authority may terminate the agreement and require the taxpayer to 2633  
refund to the state all or a portion of the credit claimed in 2634  
previous years, as follows: 2635

(1) If the taxpayer maintained operations at the project site 2636  
for less than the term of the credit, the amount required to be 2637  
refunded shall not exceed the amount of any tax credits previously 2638  
allowed and received under this section. 2639

(2) If the taxpayer maintained operations at the project site 2640  
longer than the term of the credit but less than one and one-half 2641  
times the term of the credit, the amount required to be refunded 2642  
shall not exceed fifty per cent of the sum of any tax credits 2643  
previously allowed and received under this section. 2644

(3) If the taxpayer maintained operations at the project site 2645  
for at least one and one-half times the term of the credit but 2646  
less than twice the term of the credit, the amount required to be 2647  
refunded shall not exceed twenty-five per cent of the sum of any 2648  
tax credits previously allowed and received under this section. 2649

In determining the portion of the credit to be refunded to 2650  
this state, the authority shall consider the effect of market 2651  
conditions on the taxpayer's project and whether the taxpayer 2652  
continues to maintain other operations in this state. After making 2653  
the determination, the authority shall certify the amount to be 2654  
refunded to the tax commissioner. The commissioner shall make an 2655  
assessment for that amount against the taxpayer under Chapter 2656  
5733., 5747., or 5751. of the Revised Code. The time limitations 2657  
on assessments under those chapters do not apply to an assessment 2658  
under this division, but the commissioner shall make the 2659  
assessment within one year after the date the authority certifies 2660  
to the commissioner the amount to be refunded. 2661

If the director of development determines that a taxpayer 2662  
that received a tax credit under this section has reduced the 2663  
number of employees agreed to under division (E)(5) of this 2664  
section by more than ten per cent, the director shall notify the 2665  
tax credit authority of the noncompliance. After receiving such 2666  
notice, and after providing the taxpayer an opportunity to explain 2667

the noncompliance, the authority may amend the agreement to reduce 2668  
the percentage or term of the tax credit. The reduction in the 2669  
percentage or term shall take effect in the taxable year, or in 2670  
the calendar year that includes the tax period, in which the 2671  
authority amends the agreement. 2672

(K) The director of development, after consultation with the 2673  
tax commissioner and in accordance with Chapter 119. of the 2674  
Revised Code, shall adopt rules necessary to implement this 2675  
section. The rules may provide for recipients of tax credits under 2676  
this section to be charged fees to cover administrative costs of 2677  
the tax credit program. The fees collected shall be credited to 2678  
the tax incentive programs operating fund created in section 2679  
122.174 of the Revised Code. At the time the director gives public 2680  
notice under division (A) of section 119.03 of the Revised Code of 2681  
the adoption of the rules, the director shall submit copies of the 2682  
proposed rules to the chairpersons of the standing committees on 2683  
economic development in the senate and the house of 2684  
representatives. 2685

(L) On or before the thirty-first day of March of each year, 2686  
the director of development shall submit a report to the governor, 2687  
the president of the senate, and the speaker of the house of 2688  
representatives on the tax credit program under this section. The 2689  
report shall include information on the number of agreements that 2690  
were entered into under this section during the preceding calendar 2691  
year, a description of the project that is the subject of each 2692  
such agreement, and an update on the status of projects under 2693  
agreements entered into before the preceding calendar year. 2694

(M)(1) A nonrefundable credit shall be allowed to an 2695  
applicable corporation and its related members in an amount equal 2696  
to the applicable difference. The credit is in addition to the 2697  
credit granted to the corporation or related members under 2698  
division (B) of this section. The credit is subject to divisions 2699

(B) to (E) and division (J) of this section. 2700

(2) A person qualifying as an applicable corporation under 2701  
this section for a tax year does not necessarily qualify as an 2702  
applicable corporation for any other tax year. No person is 2703  
entitled to the credit allowed under division (M) of this section 2704  
for the tax year immediately following the taxable year during 2705  
which the person fails to meet the requirements in divisions 2706  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2707  
to the credit allowed under division (M) of this section for any 2708  
tax year for which the person is not eligible for the credit 2709  
provided under division (B) of this section. 2710

Sec. 122.174. There is hereby created in the state treasury 2711  
the tax incentive programs operating fund. Money collected 2712  
pursuant to division (I) of section 121.17, division (K) of 2713  
section 122.171, division (C) of section 3735.672, and division 2714  
(C) of section 5709.68 of the Revised Code shall be credited to 2715  
the fund. The director of development shall use money in the fund 2716  
to pay expenses related to the administration of the tax credit 2717  
programs authorized by sections 122.17, 122.171, 3735.672, and 2718  
5709.68 of the Revised Code. 2719

**Sec. 122.602.** (A) There is hereby created in the department 2720  
of development the capital access loan program to assist 2721  
participating financial institutions in making program loans to 2722  
eligible businesses that face barriers in accessing working 2723  
capital and obtaining fixed asset financing. In administering the 2724  
program, the director of development may do any of the following: 2725

(1) Receive and accept grants, gifts, and contributions of 2726  
money, property, labor, and other things of value to be held, 2727  
used, and applied only for the purpose for which the grants, 2728  
gifts, and contributions are made, from individuals, private and 2729

public corporations, the United States or any agency of the United 2730  
States, the state or any agency of the state, or any political 2731  
subdivision of the state; 2732

(2) Agree to repay any contribution of money or return any 2733  
property contributed or the value of that property at the times, 2734  
in the amounts, and on the terms and conditions, excluding the 2735  
payment of interest, that the director consents to at the time a 2736  
contribution is made; and evidence obligations by notes, bonds, or 2737  
other written instruments; 2738

(3) Adopt rules under Chapter 119. of the Revised Code to 2739  
carry out the purposes of the program specified in sections 122.60 2740  
to 122.605 of the Revised Code; 2741

(4) Engage in all other acts, and enter into contracts and 2742  
execute all instruments, necessary or appropriate to carry out the 2743  
purposes specified in sections 122.60 to 122.605 of the Revised 2744  
Code. 2745

(B) The director shall determine the eligibility of a 2746  
financial institution to participate in the program and may set a 2747  
limit on the number of financial institutions that may participate 2748  
in the program. 2749

(C) To be considered eligible by the director to participate 2750  
in the program, a financial institution shall enter into a 2751  
participation agreement with the department that sets out the 2752  
terms and conditions under which the department will deposit 2753  
moneys from the fund into the financial institution's program 2754  
reserve account, specifies the criteria for loan qualification 2755  
under the program, and contains any additional terms the director 2756  
considers necessary. 2757

(D) After receiving the certification required under division 2758  
(C) of section 122.603 of the Revised Code, the director may 2759  
disburse moneys from the fund to a participating financial 2760



institution for deposit in its program reserve account if the 2761  
director determines that the capital access loan involved meets 2762  
all of the following criteria: 2763

(1) It will be made to an eligible business. 2764

(2) It will be used by the eligible business for a project, 2765  
activity, or enterprise that fosters economic development. 2766

(3) It will not be made in order to enroll in the program 2767  
prior debt that is not covered under the program and that is owed 2768  
or was previously owed by an eligible business to the financial 2769  
institution. 2770

(4) It will not be utilized for a project or development 2771  
related to the on-site construction or purchase of residential 2772  
housing. 2773

(5) It will not be used to finance passive real estate 2774  
ownership. 2775

(6) It conforms to the requirements of divisions (E), (F), 2776  
(G), (H), and (I) of this section, and to the rules adopted by the 2777  
director under division (A)(3) of this section. 2778

(E) The director shall not approve a capital access loan to 2779  
an eligible business that exceeds two hundred fifty thousand 2780  
dollars for working capital or five hundred thousand dollars for 2781  
the purchase of fixed assets. An eligible business may apply for 2782  
the maximum amount of both working capital and the purchase of 2783  
fixed assets in the same capital access loan. 2784

(F) A financial institution may apply to the director for the 2785  
approval of a capital access loan to any business that is owned or 2786  
operated by a person that has previously defaulted under any state 2787  
financial assistance program. 2788

(G) Eligible businesses that apply for a capital access loan 2789  
shall comply with section 9.66 of the Revised Code. 2790

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

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

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

**Sec. 122.652.** (A)(1) An applicant seeking a grant or loan for a brownfield cleanup or remediation project from the clean Ohio revitalization fund created in section 122.658 of the Revised Code shall request an application form from the appropriate integrating committee with geographical jurisdiction over the project for 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 2821  
submission of the application to the integrating committee under 2822  
division (B) of this section, the applicant shall conduct a public 2823  
meeting concerning the application and the proposed cleanup or 2824  
remediation. Not later than forty-five days prior to conducting 2825  
the public meeting, the applicant shall provide notice of the 2826  
date, time, and location of the public meeting in a newspaper of 2827  
general circulation in the county in which the property that is 2828  
the subject of the application is located. In addition, not later 2829  
than forty-five days prior to the hearing, the applicant shall 2830  
post notice of the date, time, and location of the public meeting 2831  
at the property on a sign that measures not less than four feet by 2832  
four feet or, if the political subdivision in which the sign is to 2833  
be posted prohibits a sign of that size, the maximum size of sign 2834  
permitted by that political subdivision. 2835

In addition, not later than forty-five days prior to the 2836  
public meeting, the applicant shall provide a copy of the 2837  
application to a public library in the vicinity of the property 2838  
for public review. The submission of the application and the 2839  
location of the public library shall be included in the notice 2840  
required under this division. The general public may submit 2841  
comments to the applicant concerning the application prior to and 2842  
at the public meeting. 2843

(B) An applicant shall submit a completed application, all 2844  
required information, and an application summary to the 2845  
appropriate integrating committee. Based on a review of the 2846  
application summaries submitted to it, an integrating committee 2847  
or, if required under division (C) of this section, the executive 2848  
committee of the integrating committee shall prioritize all 2849  
applications in accordance with criteria and procedures 2850  
established pursuant to section 122.657 of the Revised Code. The 2851  
integrating committee shall choose not more than six applications 2852

annually that it determines merit funding and shall forward those 2853  
applications and all accompanying information to the clean Ohio 2854  
council. In prioritizing and choosing applications under this 2855  
division, an integrating committee or, if required under division 2856  
(C) of this section, the executive committee of the integrating 2857  
committee shall consult with local and regional economic 2858  
development agencies or resources, community development agencies 2859  
or organizations, local business organizations, and other 2860  
appropriate entities located or operating in the geographic 2861  
jurisdiction of the integrating committee. 2862

Notwithstanding this division or division (C) of this 2863  
section, if an integrating committee receives only one application 2864  
in any given year, the chair of the integrating committee or, if 2865  
required under division (C) of this section, the chair of the 2866  
executive committee of the integrating committee may forward that 2867  
application to the clean Ohio council as the district's top 2868  
priority project for that year without a vote of the full 2869  
integrating committee or executive committee, as applicable. 2870

(C) For purposes of division (B) of this section, all 2871  
decisions of an integrating committee that is required to be 2872  
organized in accordance with division (A)(5) or (6) of section 2873  
164.04 of the Revised Code shall be approved by its executive 2874  
committee that is required to be established under division (A)(7) 2875  
or (8) of that section. The affirmative vote of at least seven 2876  
members of an executive committee established under division 2877  
(A)(7) of section 164.04 of the Revised Code, or of at least nine 2878  
members of an executive committee established under division 2879  
(A)(8) of that section, is required for any action taken by an 2880  
executive committee for purposes of division (B) of this section. 2881  
A decision of an executive committee may be rejected by a vote of 2882  
at least two-thirds of the full membership of the applicable 2883  
integrating committee not later than thirty days after the 2884

executive committee action. If an executive committee is required 2885  
under this division to prioritize applications under division (B) 2886  
of this section, only applications that are approved by the 2887  
executive committee may be submitted to the clean Ohio council for 2888  
purposes of sections 122.65 to 122.659 of the Revised Code. 2889

(D) The clean Ohio council shall supply application forms to 2890  
each integrating committee. 2891

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 2892  
and (3) of this section, each exempt employee shall be paid a 2893  
salary or wage in accordance with schedule E-1 or schedule E-2 of 2894  
division (B), (C), or (D) of this section, as applicable. 2895

(2) Each exempt employee who holds a position in the 2896  
unclassified civil service pursuant to division (A)(26) or (30) of 2897  
section 124.11 of the Revised Code may be paid a salary or wage in 2898  
accordance with schedule E-1, schedule E-1 for step seven only, or 2899  
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 2900  
this section, as applicable. 2901

(3)(a) Except as provided in division (A)(3)(b) of this 2902  
section, each exempt employee who was paid a salary or wage at 2903  
step 7 in the employee's pay range on June 28, 2003, in accordance 2904  
with the applicable schedule E-1 of former section 124.152 of the 2905  
Revised Code and who continued to be so paid on June 29, 2003, 2906  
shall be paid a salary or wage in the corresponding pay range in 2907  
schedule E-1 for step seven only of division ~~(C)~~(E), (F), or (G) 2908  
of this section, as applicable, for as long as the employee 2909  
remains in the position the employee held as of July 1, 2003. 2910

(b) Except as provided in division (A)(3)(c) of this section, 2911  
if an exempt employee who is being paid a salary or wage in 2912  
accordance with schedule E-1 for step seven only of division 2913  
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 2914  
another position, the employee shall not receive a salary or wage 2915

for that position or any other position in the future in 2916  
 accordance with that schedule. 2917

(c) If an exempt employee who is being paid a salary or wage 2918  
 in accordance with schedule E-1 for step seven only of division 2919  
~~(C)(E)~~, (F), or (G) of this section, as applicable, moves to 2920  
 another position assigned to pay range 12 or above, the appointing 2921  
 authority ~~has the discretion to~~ may assign the employee to be paid 2922  
 a salary or wage in the appropriate pay range for that position in 2923  
 accordance with the applicable schedule E-1 for step seven only, 2924  
 provided that the appointing authority so notifies the director of 2925  
 administrative services in writing at the time the employee is 2926  
 appointed to that position. 2927

(B) Beginning on the first day of the pay period that 2928  
 includes July 1, 2006, each exempt employee who must be paid in 2929  
 accordance with schedule E-1 or schedule E-2 of this section shall 2930  
 be paid a salary or wage in accordance with the following schedule 2931  
 of rates: 2932

Schedule E-1 2933

Pay Ranges and Step Values 2934

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			2937
	Annually	19552	20426	21299	22214			2938
2	Hourly	11.40	11.88	12.40	12.94			2939
	Annually	23712	24710	25792	26915			2940
3	Hourly	11.94	12.48	13.03	13.60			2941
	Annually	24835	25958	27102	28288			2942
4	Hourly	12.54	13.10	13.72	14.34			2943
	Annually	26083	27248	28538	29827			2944
5	Hourly	13.15	13.75	14.34	14.97			2945
	Annually	27352	28600	29827	31138			2946
6	Hourly	13.86	14.43	15.07	15.69			2947

	Annually	28829	30014	31346	32635		2948	
7	Hourly	14.72	15.27	15.88	16.44	17.08	2949	
	Annually	30618	31762	33030	34195	35526	2950	
8	Hourly	15.56	16.24	16.95	17.71	18.46	2951	
	Annually	32365	33779	35256	36837	38397	2952	
9	Hourly	16.60	17.46	18.32	19.23	20.21	2953	
	Annually	34528	36317	38106	39998	42037	2954	
10	Hourly	17.91	18.89	19.90	21.05	22.18	2955	
	Annually	37253	39291	41392	43784	46134	2956	
11	Hourly	19.50	20.64	21.84	23.06	24.38	2957	
	Annually	40560	42931	45427	47965	50710	2958	
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	2959
	Annually	44741	47258	49795	52562	55494	58510	2960
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	2961
	Annually	49317	52021	54891	57824	61069	64397	2962
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	2963
	Annually	54246	57304	60382	63690	67288	71032	2964
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	2965
	Annually	59571	62920	66477	70138	74027	78104	2966
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	2967
	Annually	65686	69326	73154	77251	81515	86174	2968
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	2969
	Annually	72384	76378	80662	85114	89856	94869	2970
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	2971
	Annually	79768	84178	88920	93808	99008	104541	2972
	Schedule E-2						2973	
	Range			Minimum		Maximum	2974	
41	Hourly			16.23		34.77	2975	
	Annually			33758		72322	2976	
42	Hourly			17.89		38.41	2977	
	Annually			37211		79893	2978	
43	Hourly			19.70		42.30	2979	
	Annually			40976		87984	2980	

44	Hourly	21.73	46.21	2981
	Annually	45198	96117	2982
45	Hourly	24.01	50.44	2983
	Annually	49941	104915	2984
46	Hourly	26.43	55.13	2985
	Annually	54974	114670	2986
47	Hourly	29.14	60.16	2987
	Annually	60611	125133	2988
48	Hourly	32.14	65.65	2989
	Annually	66851	136552	2990
49	Hourly	35.44	70.89	2991
	Annually	73715	147451	2992

(C) 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 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

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
1	<u>Hourly</u>	<u>9.73</u>	<u>10.16</u>	<u>10.60</u>	<u>11.05</u>			3002
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3003
2	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3004
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3005
3	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3006
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3007
4	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3008
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3009
5	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3010
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3011
6	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3012



	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>		3013	
<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>	3014	
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>	3015	
<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>	3016	
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>	3017	
<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>	3018	
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>	3019	
<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>	3020	
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>	3021	
<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>	3022	
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>	3023	
<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>	3024
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3025
<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>	3026
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3027
<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>	3028
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3029
<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>	3030
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3031
<u>16</u>	<u>Hourly</u>	<u>32.69</u>	<u>34.50</u>	<u>36.40</u>	<u>38.44</u>	<u>40.56</u>	<u>42.88</u>	3032
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3033
<u>17</u>	<u>Hourly</u>	<u>36.02</u>	<u>38.01</u>	<u>40.14</u>	<u>42.35</u>	<u>44.71</u>	<u>47.21</u>	3034
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3035
<u>18</u>	<u>Hourly</u>	<u>39.69</u>	<u>41.89</u>	<u>44.25</u>	<u>46.68</u>	<u>49.27</u>	<u>52.02</u>	3036
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3037
	<u>Schedule E-2</u>						3038	
	<u>Range</u>		<u>Minimum</u>		<u>Maximum</u>		3039	
<u>41</u>	<u>Hourly</u>		<u>16.23</u>		<u>35.99</u>		3040	
	<u>Annually</u>		<u>33758</u>		<u>74859</u>		3041	
<u>42</u>	<u>Hourly</u>		<u>17.89</u>		<u>39.75</u>		3042	
	<u>Annually</u>		<u>37211</u>		<u>82680</u>		3043	
<u>43</u>	<u>Hourly</u>		<u>19.70</u>		<u>43.78</u>		3044	
	<u>Annually</u>		<u>40976</u>		<u>91062</u>		3045	

44	<u>Hourly</u>	<u>21.73</u>	<u>47.83</u>	3046
	<u>Annually</u>	<u>45198</u>	<u>99486</u>	3047
45	<u>Hourly</u>	<u>24.01</u>	<u>52.21</u>	3048
	<u>Annually</u>	<u>49941</u>	<u>108597</u>	3049
46	<u>Hourly</u>	<u>26.43</u>	<u>57.06</u>	3050
	<u>Annually</u>	<u>54974</u>	<u>118685</u>	3051
47	<u>Hourly</u>	<u>29.14</u>	<u>62.27</u>	3052
	<u>Annually</u>	<u>60611</u>	<u>129522</u>	3053
48	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	3054
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3055
49	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3056
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3057

(D) Beginning on the first day of the pay period that 3058  
includes July 1, 2008, each exempt employee who must be paid in 3059  
accordance with schedule E-1 or schedule E-2 of this section shall 3060  
be paid a salary or wage in accordance with the following schedule 3061  
of rates: 3062

Schedule E-1 3063

Pay Ranges and Step Values 3064

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
1	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3067
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3068
2	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3069
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3070
3	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3071
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3072
4	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3073
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3074
5	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3075
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3076
6	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3077

	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>		3078	
7	<u>Hourly</u>	<u>15.77</u>	<u>16.35</u>	<u>17.02</u>	<u>17.62</u>	<u>18.30</u>	3079	
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>	3080	
8	<u>Hourly</u>	<u>16.66</u>	<u>17.40</u>	<u>18.15</u>	<u>18.97</u>	<u>19.78</u>	3081	
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>	3082	
9	<u>Hourly</u>	<u>17.78</u>	<u>18.70</u>	<u>19.62</u>	<u>20.60</u>	<u>21.65</u>	3083	
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>	3084	
10	<u>Hourly</u>	<u>19.19</u>	<u>20.23</u>	<u>21.32</u>	<u>22.55</u>	<u>23.76</u>	3085	
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>	3086	
11	<u>Hourly</u>	<u>20.89</u>	<u>22.11</u>	<u>23.39</u>	<u>24.71</u>	<u>26.11</u>	3087	
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>	3088	
12	<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>	3089
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3090
13	<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>	3091
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3092
14	<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>	3093
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3094
15	<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>	3095
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3096
16	<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>	3097
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3098
17	<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>	3099
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3100
18	<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>	3101
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3102
	<u>Schedule E-2</u>						3103	
	<u>Range</u>		<u>Minimum</u>		<u>Maximum</u>		3104	
41	<u>Hourly</u>		<u>16.23</u>		<u>37.25</u>		3105	
	<u>Annually</u>		<u>33758</u>		<u>77480</u>		3106	
42	<u>Hourly</u>		<u>17.89</u>		<u>41.14</u>		3107	
	<u>Annually</u>		<u>37211</u>		<u>85571</u>		3108	
43	<u>Hourly</u>		<u>19.70</u>		<u>45.31</u>		3109	
	<u>Annually</u>		<u>40976</u>		<u>94245</u>		3110	

<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>49.50</u>	3111
	<u>Annually</u>	<u>45198</u>	<u>102960</u>	3112
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>54.04</u>	3113
	<u>Annually</u>	<u>49941</u>	<u>112403</u>	3114
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>59.06</u>	3115
	<u>Annually</u>	<u>54974</u>	<u>122845</u>	3116
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>64.45</u>	3117
	<u>Annually</u>	<u>60611</u>	<u>134056</u>	3118
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>70.33</u>	3119
	<u>Annually</u>	<u>66851</u>	<u>146286</u>	3120
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>75.94</u>	3121
	<u>Annually</u>	<u>73715</u>	<u>157955</u>	3122

(E) Beginning on the first day of the pay period that 3123  
includes July 1, 2006, each exempt employee who must be paid in 3124  
accordance with schedule E-1 for step seven only shall be paid a 3125  
salary or wage in accordance with the following schedule of rates: 3126

Schedule E-1 for Step Seven Only 3127

Pay Ranges and Step Seven Values 3128

	Range			3129
12	Hourly	29.68		3130
	Annually	61734		3131
13	Hourly	32.66		3132
	Annually	67933		3133
14	Hourly	36.01		3134
	Annually	74901		3135
15	Hourly	39.61		3136
	Annually	82389		3137
16	Hourly	43.70		3138
	Annually	90896		3139
17	Hourly	48.13		3140
	Annually	100110		3141
18	Hourly	53.02		3142

Annually	110282	3143
<u>(D)(F) Beginning on the first day of the pay period that</u>		3144
<u>includes July 1, 2007, each exempt employee who must be paid in</u>		3145
<u>accordance with schedule E-1 for step seven only shall be paid a</u>		3146
<u>salary or wage in accordance with the following schedule of rates:</u>		3147
<u>Schedule E-1 for Step Seven Only</u>		3148
<u>Pay Ranges and Step Values</u>		3149
<u>Range</u>		3150
<u>12 Hourly 30.72</u>		3151
<u>Annually 63898</u>		3152
<u>13 Hourly 33.80</u>		3153
<u>Annually 70304</u>		3154
<u>14 Hourly 37.27</u>		3155
<u>Annually 77522</u>		3156
<u>15 Hourly 41.00</u>		3157
<u>Annually 85280</u>		3158
<u>16 Hourly 45.23</u>		3159
<u>Annually 94078</u>		3160
<u>17 Hourly 49.81</u>		3161
<u>Annually 103605</u>		3162
<u>18 Hourly 54.88</u>		3163
<u>Annually 114150</u>		3164
<u>(G) Beginning on the first day of the pay period that</u>		3165
<u>includes July 1, 2008, each exempt employee who must be paid in</u>		3166
<u>accordance with salary schedule E-1 for step seven only shall be</u>		3167
<u>paid a salary or wage in accordance with the following schedule of</u>		3168
<u>rates:</u>		3169
<u>Schedule E-1 for Step Seven Only</u>		3170
<u>Pay Ranges and Step Values</u>		3171
<u>Range</u>		3172
<u>12 Hourly 31.80</u>		3173
<u>Annually 66144</u>		3174

<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3175
	<u>Annually</u>	<u>72758</u>	3176
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3177
	<u>Annually</u>	<u>80226</u>	3178
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3179
	<u>Annually</u>	<u>88275</u>	3180
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3181
	<u>Annually</u>	<u>97365</u>	3182
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3183
	<u>Annually</u>	<u>107224</u>	3184
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3185
	<u>Annually</u>	<u>118144</u>	3186

(H) As used in this section, "exempt employee" means a 3187  
permanent full-time or permanent part-time employee paid directly 3188  
by warrant of the director of budget and management whose position 3189  
is included in the job classification plan established under 3190  
division (A) of section 124.14 of the Revised Code but who is not 3191  
considered a public employee for the purposes of Chapter 4117. of 3192  
the Revised Code. As used in this section, "exempt employee" also 3193  
includes a permanent full-time or permanent part-time employee of 3194  
the secretary of state, auditor of state, treasurer of state, or 3195  
attorney general who has not been placed in an appropriate 3196  
bargaining unit by the state employment relations board. 3197

**Sec. 125.01.** As used in this chapter: 3198

(A) "Order" means a copy of a contract or a statement of the 3199  
nature of a contemplated expenditure, a description of the 3200  
property or supplies to be purchased or service to be performed, 3201  
other than a service performed by officers and regular employees 3202  
of the state, and per diem of the national guard, and the total 3203  
sum of the expenditure to be made therefor, if the sum is fixed 3204  
and ascertained, otherwise the estimated sum thereof, and an 3205  
authorization to pay for the contemplated expenditure, signed by 3206

the person instructed and authorized to pay upon receipt of a 3207  
proper invoice. 3208

(B) "Information technology" means technologies and services 3209  
used for information processing, including, but not limited to, 3210  
software, computing hardware, communications technologies, and 3211  
related services. 3212

(C) "Invoice" means an itemized listing showing delivery of 3213  
the supplies or performance of the service described in the order, 3214  
and the date of the purchase or rendering of the service, or an 3215  
itemization of the things done, material supplied, or labor 3216  
furnished, and the sum due pursuant to the contract or obligation. 3217

~~(C)~~(D) "Products" means materials, manufacturer's supplies, 3218  
merchandise, goods, wares, and foodstuffs. 3219

~~(D)~~(E) "Produced" means the manufacturing, processing, 3220  
mining, developing, and making of a thing into a new article with 3221  
a distinct character in use through the application of input, 3222  
within the state, of Ohio products, labor, skill, or other 3223  
services. "Produced" does not include the mere assembling or 3224  
putting together of non-Ohio products or materials. 3225

~~(E)~~(F) "Ohio products" means products that are mined, 3226  
excavated, produced, manufactured, raised, or grown in the state 3227  
by a person where the input of Ohio products, labor, skill, or 3228  
other services constitutes no less than twenty-five per cent of 3229  
the manufactured cost. With respect to mined products, such 3230  
products shall be mined or excavated in this state. 3231

~~(F)~~(G) "Purchase" means to buy, rent, lease, lease purchase, 3232  
or otherwise acquire supplies or services. "Purchase" also 3233  
includes all functions that pertain to the obtaining of supplies 3234  
or services, including description of requirements, selection and 3235  
solicitation of sources, preparation and award of contracts, all 3236  
phases of contract administration, and receipt and acceptance of 3237

the supplies and services and payment for them. 3238

(H) "Purchasing authority" means the department of 3239  
administrative services or the office of information technology as 3240  
set forth in section 125.011 of the Revised Code. 3241

~~(G)~~(I) "Services" means the furnishing of labor, time, or 3242  
effort by a person, not involving the delivery of a specific end 3243  
product other than a report which, if provided, is merely 3244  
incidental to the required performance. "Services" does not 3245  
include services furnished pursuant to employment agreements or 3246  
collective bargaining agreements. 3247

~~(H)~~(J) "Supplies" means all property, including, but not 3248  
limited to, equipment, materials, other tangible assets, and 3249  
insurance, but excluding real property or an interest in real 3250  
property. 3251

~~(I)~~(K) "Competitive selection" means any of the following 3252  
procedures for making purchases: 3253

(1) Competitive sealed bidding under section 125.07 of the 3254  
Revised Code; 3255

(2) Competitive sealed proposals under section 125.071 of the 3256  
Revised Code; 3257

(3) Reverse auctions under section 125.072 of the Revised 3258  
Code. 3259

**Sec. 125.011.** Except for information technology supplies and 3260  
services, the department of administrative services shall be the 3261  
purchasing authority for all supplies and services for the 3262  
purposes of and subject to the limitations of sections 125.01 to 3263  
125.11, 125.15, and 125.25 of the Revised Code. The office of 3264  
information technology shall be the purchasing authority for 3265  
information technology supplies and services in accordance with 3266  
section 126.17 of the Revised Code for the purposes of and subject 3267



to the limitations of sections 125.01 to 125.11, 125.15, and 3268  
125.25 of the Revised Code. The department of administrative 3269  
services and the office of information technology shall consult 3270  
with each other to promote consistency when adopting any rules 3271  
under sections 125.01 to 125.11, 125.15, and 125.25 of the Revised 3272  
Code. 3273

**Sec. 125.02.** Except as to the adjutant general, the capital 3274  
square review and advisory board, the department of rehabilitation 3275  
and correction as specified in division (D) of section 125.04 of 3276  
the Revised Code, the general assembly, the bureau of workers' 3277  
compensation, and institutions administered by boards of trustees, 3278  
~~the department of administrative services~~ a purchasing authority 3279  
may purchase supplies and services for the use of state agencies. 3280

So far as possible, the ~~department of administrative services~~ 3281  
purchasing authority shall make all purchases from the department 3282  
of rehabilitation and correction in the exercise of the functions 3283  
of the department of rehabilitation and correction in the 3284  
management of state institutions. 3285

The ~~department of administrative services~~ purchasing 3286  
authority shall prescribe uniform rules governing forms of 3287  
specifications, advertisements for proposals, the opening of bids, 3288  
the making of awards and contracts, and the purchase of supplies 3289  
and performance of work. 3290

Nothing in this section precludes the bureau from entering 3291  
into a contract with ~~the department of administrative services~~ a 3292  
purchasing authority for the ~~department~~ purchasing authority to 3293  
purchase supplies, or services for the use of the bureau. 3294

**Sec. 125.021.** (A) ~~Except as to the military department, the 3295~~  
~~general assembly, the bureau of workers' compensation, the 3296~~  
~~industrial commission, and institutions administered by boards of 3297~~

~~trustees, the office of information technology may contract for, 3298~~  
~~operate, and superintend telephone, other telecommunication, and 3299~~  
~~computer services for state agencies. Nothing in this division 3300~~  
~~precludes the bureau or the commission from contracting with the 3301~~  
~~office to authorize the office to contract for, operate, or 3302~~  
~~superintend those services for the bureau or the commission. 3303~~

~~(B)(1)~~ As used in this division: 3304

~~(a)(1)~~ "Active duty" means active duty pursuant to an 3305  
executive order of the president of the United States, an act of 3306  
the congress of the United States, or section 5919.29 or 5923.21 3307  
of the Revised Code. 3308

~~(b)(2)~~ "Immediate family" means a person's spouse residing in 3309  
the person's household, brothers and sisters of the whole or of 3310  
the half blood, children, including adopted children and 3311  
stepchildren, parents, and grandparents. 3312

~~(2)(B)~~ The office of information technology may enter into a 3313  
contract to purchase bulk long distance telephone services and 3314  
make them available at cost, or may make bulk long distance 3315  
telephone services available at cost under any existing contract 3316  
the office has entered into, to members of the immediate family of 3317  
persons deployed on active duty so that those family members can 3318  
communicate with the persons so deployed. If the office enters 3319  
into contracts under division (B)~~(2)~~ of this section, it shall do 3320  
so in accordance with sections 125.01 to 125.11 of the Revised 3321  
Code and in a nondiscriminatory manner that does not place any 3322  
potential vendor at a competitive disadvantage. 3323

~~(3)(C)~~ If the office decides to exercise either option under 3324  
division (B)~~(2)~~ of this section, it shall adopt, and may amend, 3325  
rules under Chapter 119. of the Revised Code to implement that 3326  
division. 3327

**Sec. 125.022.** ~~The department of administrative services~~ A 3328  
purchasing authority may enter into cooperative purchasing 3329  
agreements with one or more other states or groups of states or 3330  
with any political subdivision of this state described in division 3331  
(B) of section 125.04 of the Revised Code for the purpose of 3332  
purchasing services or supplies produced from or containing 3333  
recycled materials for the use of state agencies. 3334

**Sec. 125.023.** During the period of an emergency as defined in 3335  
section 5502.21 of the Revised Code, the ~~department of~~ 3336  
~~administrative services~~ purchasing authority may suspend, with 3337  
regard to the emergency management agency established in section 3338  
5502.22 of the Revised Code or any other state agency 3339  
participating in recovery activities as defined in section 5502.21 3340  
of the Revised Code, the purchasing and contracting requirements 3341  
contained in sections 125.02 to 125.111 of the Revised Code and 3342  
any of the requirements of Chapter 153. of the Revised Code that 3343  
otherwise would apply to the agency. The director of public safety 3344  
or the executive director of the emergency management agency shall 3345  
make the request for the suspension of these requirements to the 3346  
department of administrative services and the office of 3347  
information technology concurrently with the request to the 3348  
governor or the president of the United States for the declaration 3349  
of an emergency. The governor also shall include in any 3350  
proclamation the governor issues declaring an emergency language 3351  
requesting the suspension of those requirements during the period 3352  
of the emergency. 3353

**Sec. 125.04.** (A) Except as provided in division (D) of this 3354  
section, the ~~department of administrative services~~ purchasing 3355  
authorities shall determine what supplies and services are 3356  
purchased by or for state agencies. Whenever ~~the department of~~ 3357

~~administrative services~~ a purchasing authority makes any change or 3358  
addition to the lists of supplies and services that it determines 3359  
to purchase for state agencies, it shall provide a list to the 3360  
agencies of the changes or additions and indicate when the 3361  
~~department~~ purchasing authority will be prepared to furnish each 3362  
item listed. Except for the requirements of division (B) of 3363  
section 125.11 of the Revised Code, sections 125.04 to 125.08 and 3364  
125.09 to 125.15 of the Revised Code do not apply to or affect the 3365  
educational institutions of the state. The ~~department~~ purchasing 3366  
authorities shall not include the bureau of workers' compensation 3367  
in the lists of supplies, equipment, and services purchased and 3368  
furnished by the ~~department~~ purchasing authorities. 3369

Nothing in this division precludes the bureau from entering 3370  
into a contract with the ~~department~~ purchasing authorities for the 3371  
~~department~~ purchasing authorities to perform services relative to 3372  
supplies, equipment, and services contained in this division for 3373  
the bureau. 3374

(B)(1) As used in this division: 3375

(a) "Emergency medical service organization" has the same 3376  
meaning as in section 4765.01 of the Revised Code. 3377

(b) "Political subdivision" means any county, township, 3378  
municipal corporation, school district, conservancy district, 3379  
township park district, park district created under Chapter 1545. 3380  
of the Revised Code, regional transit authority, regional airport 3381  
authority, regional water and sewer district, or port authority. 3382  
"Political subdivision" also includes any other political 3383  
subdivision described in the Revised Code that has been approved 3384  
by the department to participate in the department's contracts 3385  
under this division. 3386

(c) "Private fire company" has the same meaning as in section 3387  
9.60 of the Revised Code. 3388

(2) Subject to division (C) of this section, ~~the department~~ 3389  
~~of administrative services~~ a purchasing authority may permit a 3390  
political subdivision, county board of elections, private fire 3391  
company, or private, nonprofit emergency medical service 3392  
organization to participate in contracts into which the ~~department~~ 3393  
purchasing authority has entered for the purchase of supplies and 3394  
services. The ~~department~~ purchasing authority may charge the 3395  
entity a reasonable fee to cover the administrative costs the 3396  
~~department~~ purchasing authority incurs as a result of 3397  
participation by the entity in such a purchase contract. 3398

A political subdivision desiring to participate in such 3399  
purchase contracts shall file with the ~~department~~ purchasing 3400  
authority a certified copy of an ordinance or resolution of the 3401  
legislative authority or governing board of the political 3402  
subdivision. The resolution or ordinance shall request that the 3403  
political subdivision be authorized to participate in such 3404  
contracts and shall agree that the political subdivision will be 3405  
bound by such terms and conditions as the ~~department~~ purchasing 3406  
authority prescribes and that it will directly pay the vendor 3407  
under each purchase contract. A board of elections desiring to 3408  
participate in such purchase contracts shall file with the 3409  
purchasing authority a written request for inclusion in the 3410  
program. A private fire company or private, nonprofit emergency 3411  
medical service organization desiring to participate in such 3412  
purchase contracts shall file with the ~~department~~ purchasing 3413  
authority a written request for inclusion in the program signed by 3414  
the chief officer of the company or organization. ~~The~~ A request 3415  
for inclusion shall include an agreement to be bound by such terms 3416  
and conditions as the ~~department~~ purchasing authority prescribes 3417  
and to make direct payments to the vendor under each purchase 3418  
contract. 3419

The ~~department~~ purchasing authority shall include in its 3420

annual report an estimate of the cost it incurs by permitting 3421  
political subdivisions, county boards of elections, private fire 3422  
companies, and private, nonprofit emergency medical service 3423  
organizations to participate in contracts pursuant to this 3424  
division. The ~~department~~ purchasing authority may require such 3425  
entities to file a report with the ~~department~~ purchasing 3426  
authority, as often as it finds necessary, stating how many such 3427  
contracts the entities participated in within a specified period 3428  
of time, and any other information the ~~department~~ purchasing 3429  
authority requires. 3430

(3) Purchases made by a political subdivision or a county 3431  
board of elections under this division are exempt from any 3432  
competitive selection procedures otherwise required by law. No 3433  
political subdivision shall make any purchase under this division 3434  
when bids have been received for such purchase by the subdivision, 3435  
unless such purchase can be made upon the same terms, conditions, 3436  
and specifications at a lower price under this division. 3437

(C) A political subdivision as defined in division (B) of 3438  
this section or a county board of elections may purchase supplies 3439  
or services from another party, including ~~another~~ a political 3440  
subdivision, instead of through participation in contracts 3441  
described in division (B) of this section if the political 3442  
subdivision or county board of elections can purchase those 3443  
supplies or services from the other party upon equivalent terms, 3444  
conditions, and specifications but at a lower price than it can 3445  
through those contracts. Purchases that a political subdivision or 3446  
county board of elections makes under this division are exempt 3447  
from any competitive selection procedures otherwise required by 3448  
law. A political subdivision or county board of elections that 3449  
makes any purchase under this division shall maintain sufficient 3450  
information regarding the purchase to verify that the political 3451  
subdivision or county board of elections satisfied the conditions 3452

for making a purchase under this division. Nothing in this 3453  
division restricts any action taken by a county or township as 3454  
authorized by division (A)(1) of section 9.48 of the Revised Code. 3455

(D) This section does not apply to supplies or services 3456  
required by the legislative or judicial branches, ~~boards of~~ 3457  
~~elections~~, the capitol square review and advisory board, the 3458  
adjutant general, to supplies or services purchased by a state 3459  
agency directly as provided in division (A) or (E) of section 3460  
125.05 of the Revised Code, to purchases of supplies or services 3461  
for the emergency management agency as provided in section 125.023 3462  
of the Revised Code, or to purchases of supplies or services for 3463  
the department of rehabilitation and correction in its operation 3464  
of the program for the employment of prisoners established under 3465  
section 5145.16 of the Revised Code that shall be made pursuant to 3466  
rules adopted by the director of administrative services and the 3467  
director of rehabilitation and correction in accordance with 3468  
Chapter 119. of the Revised Code. The rules may provide for the 3469  
exemption of the program for the employment of prisoners from the 3470  
requirements of division (A) of this section. 3471

**Sec. 125.041.** Nothing in sections 125.02, 125.03 to 125.08, 3472  
125.12 to 125.16, ~~125.18~~, 125.31 to 125.76, ~~or~~ 125.831, or 126.17 3473  
of the Revised Code shall be construed as limiting the attorney 3474  
general, auditor of state, secretary of state, or treasurer of 3475  
state in any of the following: 3476

(A) Purchases for less than the dollar amounts for the 3477  
purchase of supplies or services determined pursuant to division 3478  
(D) of section 125.05 of the Revised Code; 3479

(B) Purchases that equal or exceed the dollar amounts for the 3480  
purchase of supplies or services determined pursuant to division 3481  
(D) of section 125.05 of the Revised Code with the approval of the 3482  
controlling board, if that approval is required by section 127.16 3483

of the Revised Code;	3484
(C) The final determination of the nature or quantity making any purchase of supplies or services to be purchased pursuant to section 125.06 of the Revised Code;	3485 3486 3487
(D) The final determination and disposal of excess and surplus supplies;	3488 3489
(E) The inventory of state property;	3490
(F) The purchase of printing;	3491
(G) Activities related to information technology development and use;	3492 3493
(H) The fleet management program.	3494
<b>Sec. 125.05.</b> Except as provided in division (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section.	3495 3496 3497
(A) Subject to division (D) of this section, a state agency may, without competitive selection, make any purchase of services that cost fifty thousand dollars or less or any purchase of supplies that cost twenty-five thousand dollars or less. The agency, <u>at its determination</u> , may make the purchase directly or may make the purchase from or through the <del>department of administrative services, whichever the agency determines</del> <u>proper purchasing authority</u> . The <del>department</del> <u>proper purchasing authority</u> shall establish written procedures to assist state agencies when they make direct purchases. If the agency makes the purchase directly, it shall make the purchase by a term contract whenever possible.	3498 3499 3500 3501 3502 3503 3504 3505 3506 3507 3508
(B) Subject to division (D) of this section, a state agency wanting to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall, unless otherwise authorized by law, make the purchase from or through the <del>department</del> <u>proper purchasing</u>	3509 3510 3511 3512 3513



authority. The ~~department~~ purchasing authority shall make the 3514  
purchase by competitive selection under section 125.07 of the 3515  
Revised Code. If the ~~director of administrative services~~ 3516  
purchasing authority determines that it is not possible or not 3517  
advantageous to the state for the ~~department~~ purchasing authority 3518  
to make the purchase, the ~~department~~ purchasing authority shall 3519  
grant the agency a release and permit under section 125.06 of the 3520  
Revised Code to make the purchase. Section 127.16 of the Revised 3521  
Code does not apply to purchases the ~~department~~ purchasing 3522  
authority makes under this section. 3523

(C) An agency that has been granted a release and permit to 3524  
make a purchase may make the purchase without competitive 3525  
selection if after making the purchase the cumulative purchase 3526  
threshold as computed under division (F) of section 127.16 of the 3527  
Revised Code would: 3528

(1) Be exceeded and the controlling board approves the 3529  
purchase; 3530

(2) Not be exceeded and the ~~department of administrative~~ 3531  
~~services~~ purchasing authority approves the purchase. 3532

(D) Not later than January 31, 1997, the amounts specified in 3533  
divisions (A) and (B) of this section and, not later than the 3534  
thirty-first day of January of each second year thereafter, any 3535  
amounts computed by adjustments made under this division, shall be 3536  
increased or decreased by the average percentage increase or 3537  
decrease in the consumer price index prepared by the United States 3538  
bureau of labor statistics (U.S. City Average for Urban Wage 3539  
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3540  
twenty-four calendar month period prior to the immediately 3541  
preceding first day of January over the immediately preceding 3542  
twenty-four calendar month period, as reported by the bureau. The 3543  
director of administrative services shall make this determination 3544  
and adjust the appropriate amounts accordingly. 3545

(E) If the eTech Ohio commission, the department of 3546  
education, or the Ohio education computer network determines that 3547  
it can purchase software services or supplies for specified school 3548  
districts at a price less than the price for which the districts 3549  
could purchase the same software services or supplies for 3550  
themselves, the commission, department, or network shall certify 3551  
that fact to the ~~department of administrative services~~ office of 3552  
information technology and, acting as an agent for the specified 3553  
school districts, shall make that purchase without following the 3554  
provisions in divisions (A) to (D) of this section. 3555

**Sec. 125.06.** ~~The department of administrative services A~~ 3556  
purchasing authority may, pursuant to division (B) of section 3557  
125.05 of the Revised Code and subject to such rules as the 3558  
~~director of administrative services~~ particular purchasing 3559  
authority may adopt, issue a release and permit to the agency to 3560  
secure supplies or services. A release and permit shall specify 3561  
the supplies or services to which it applies, the time during 3562  
which it is operative, and the reason for its issuance. A release 3563  
and permit for ~~computer services~~ information technology services 3564  
shall also specify the type of services to be rendered, the number 3565  
and type of machines to be employed, and may specify the amount of 3566  
such services to be performed. One copy of every release and 3567  
permit shall be filed with the agency to which it is issued, and 3568  
one copy shall be retained by the ~~department~~ purchasing authority. 3569

**Sec. 125.07.** ~~The department of administrative services A~~ 3570  
purchasing authority, in making a purchase by competitive 3571  
selection pursuant to division (B) of section 125.05 of the 3572  
Revised Code, shall give notice in the following manner: 3573

(A) The ~~department~~ purchasing authority shall advertise the 3574  
intended purchases by notice that is posted by mail or electronic 3575  
means and that is for the benefit of competing persons producing 3576

or dealing in the supplies or services to be purchased, including, 3577  
but not limited to, the persons whose names appear on the 3578  
appropriate list provided for in section 125.08 of the Revised 3579  
Code. The notice may be in the form of the bid or proposal 3580  
document or of a listing in a periodic bulletin, or in any other 3581  
form the ~~director of administrative services~~ purchasing authority 3582  
considers appropriate to sufficiently notify qualified competing 3583  
persons of the intended purchases. 3584

(B) The notice required under division (A) of this section 3585  
shall include the time and place where bids or proposals will be 3586  
accepted and opened, or, when bids are made in a reverse auction, 3587  
the time when bids will be accepted; the conditions under which 3588  
bids or proposals will be received; the terms of the proposed 3589  
purchases; and an itemized list of the supplies or services to be 3590  
purchased and the estimated quantities or amounts of them. 3591

(C) The posting of the notice required under division (A) of 3592  
this section shall be completed by the number of days the ~~director~~ 3593  
purchasing authority determines preceding the day when the bids or 3594  
proposals will be opened or accepted. 3595

(D) The ~~department~~ purchasing authority also shall maintain, 3596  
in a public place in its office, a bulletin board upon which it 3597  
shall post and maintain a copy of the notice required under 3598  
division (A) of this section for at least the number of days the 3599  
~~director~~ purchasing authority determines under division (C) of 3600  
this section preceding the day of the opening or acceptance of the 3601  
bids or proposals. The failure to so additionally post the notice 3602  
shall invalidate all proceedings had and any contract entered into 3603  
pursuant to the proceedings. 3604

**Sec. 125.071.** (A) In accordance with rules the ~~director of~~ 3605  
~~administrative services~~ purchasing authority shall adopt, the 3606  
~~director~~ purchasing authority may make purchases by competitive 3607

sealed proposal whenever the ~~director~~ purchasing authority 3608  
determines that the use of competitive sealed bidding is not 3609  
possible or not advantageous to the state. 3610

(B) Proposals shall be solicited through a request for 3611  
proposals. The request for proposals shall state the relative 3612  
importance of price and other evaluation factors. Notice of the 3613  
request for proposals shall be given in accordance with rules the 3614  
director shall adopt. 3615

(C) Proposals shall be opened so as to avoid disclosure of 3616  
contents to competing offerors. 3617

In order to ensure fair and impartial evaluation, proposals 3618  
and related documents submitted in response to a request for 3619  
proposals are not available for public inspection and copying 3620  
under section 149.43 of the Revised Code until after the award of 3621  
the contract. 3622

(D) As provided in the request for proposals, and under rules 3623  
the ~~director~~ purchasing authority shall adopt, discussions may be 3624  
conducted with responsible offerors who submit proposals 3625  
determined to be reasonably susceptible of being selected for 3626  
award for the purpose of ensuring full understanding of, and 3627  
responsiveness to, solicitation requirements. Offerors shall be 3628  
accorded fair and equal treatment with respect to any opportunity 3629  
for discussion regarding any clarification, correction, or 3630  
revision of proposals. No disclosure of any information derived 3631  
from proposals submitted by competing offerors shall occur when 3632  
discussions are conducted. 3633

(E) Award may be made to the offeror whose proposal is 3634  
determined to be the most advantageous to this state, taking into 3635  
consideration factors such as price and the evaluation criteria 3636  
set forth in the request for proposals. The contract file shall 3637  
contain the basis on which the award is made. 3638

Sec. 125.072. (A) As used in this section, "reverse auction" 3639  
means a purchasing process in which offerors submit bids in 3640  
competing to sell services or supplies in an open environment via 3641  
the internet. 3642

(B) Whenever ~~the director of administrative services~~ a 3643  
purchasing authority determines that the use of a reverse auction 3644  
is advantageous to the state, the ~~director~~ purchasing authority, 3645  
in accordance with rules the ~~director~~ purchasing authority shall 3646  
adopt, may purchase services or supplies by reverse auction. 3647

(C) The ~~director~~ purchasing authority, by rule, may authorize 3648  
a state agency that is authorized to purchase services or supplies 3649  
directly to purchase them by reverse auction in the same manner as 3650  
this section and the rules adopted under this section authorize 3651  
the ~~director~~ purchasing authority to do so. 3652

Sec. 125.073. (A) The ~~department of administrative services~~ 3653  
purchasing authorities shall actively promote and accelerate the 3654  
use of electronic procurement, including reverse auctions as 3655  
defined by section 125.072 of the Revised Code, by implementing 3656  
the relevant recommendations concerning electronic procurement 3657  
from the "2000 Management Improvement Commission Report to the 3658  
Governor" when exercising its statutory powers. 3659

(B) Beginning July 1, 2004, the department of administrative 3660  
services shall annually on or before the first day of July report 3661  
to the committees in each house of the general assembly dealing 3662  
with finance indicating the effectiveness of electronic 3663  
procurement. Beginning July 1, 2008, the office of information 3664  
technology shall annually on or before the last day of December, 3665  
report to the committees in each house of the general assembly 3666  
dealing with finance indicating the effectiveness during the prior 3667  
fiscal year of electronic procurement of information technology 3668

supplies and services. 3669

**Sec. 125.08.** (A) The department of administrative services 3670  
may divide the state into purchasing districts wherein supplies or 3671  
services are to be delivered and shall describe those districts on 3672  
all applications for the notification list provided for in this 3673  
section. 3674

Any person may have that person's name and address, or the 3675  
name and address of an agent, placed on the competitive selection 3676  
notification list of the department of administrative services by 3677  
sending to the department the person's name and address, together 3678  
with a list of the supplies or services described in the manner 3679  
prescribed by the department produced or dealt in by the person 3680  
with a request for such listing, a list of the districts in which 3681  
the person desires to participate, and all other information the 3682  
director of administrative services may prescribe. The director of 3683  
administrative services shall provide the lists to the office of 3684  
information technology. Whenever any name and address together 3685  
with a list of the supplies or services produced or dealt in is so 3686  
listed, the ~~department~~ purchasing authorities shall post notice, 3687  
as provided in division (A) of section 125.07 of the Revised Code, 3688  
for the benefit of the persons listed on the notification list 3689  
that are qualified Ohio business enterprises, which shall include 3690  
Ohio penal industries as defined by rule of the director of 3691  
administrative services, or have a significant Ohio presence in 3692  
this state's economy, except that, in those circumstances in which 3693  
the ~~director~~ purchasing authority considers it in the best 3694  
interest of this state, the ~~director~~ purchasing authority shall 3695  
post notice, as provided in division (A) of section 125.07 of the 3696  
Revised Code, for the benefit of all persons listed on the 3697  
notification list. The ~~department~~ purchasing authority need only 3698  
provide competitive selection documents for a proposed contract to 3699  
persons who specifically request the documents. 3700

The director may remove a person from the notification list 3701  
and place the person on an inactive list if the person fails to 3702  
respond to any notices of proposed purchases that appear in four 3703  
consecutive bulletins or other forms of notification that list 3704  
those notices. Upon written request to the director by the person 3705  
so removed, the director may return the person to the notification 3706  
list if the person provides sufficient evidence regarding intent 3707  
to offer bids or proposals to the state. The director shall not 3708  
remove any person from the list without notice to the person. The 3709  
notice may be a part of the notices of proposed purchase. 3710

(B) Any person who is certified by the equal employment 3711  
opportunity coordinator of the department of administrative 3712  
services in accordance with the rules adopted under division 3713  
(B)(1) of section 123.151 of the Revised Code as a minority 3714  
business enterprise may have that person's name placed on a 3715  
special minority business enterprise notification list to be used 3716  
in connection with contracts awarded under section 125.081 of the 3717  
Revised Code. The minority business enterprise notification list 3718  
shall be used for bidding on contracts set aside for minority 3719  
business enterprises only. In all other respects, the list shall 3720  
be maintained and used in the same manner and according to the 3721  
same procedures as the notification list provided for under 3722  
division (A) of this section, except that a firm shall not be 3723  
removed from the list unless the coordinator determines that the 3724  
firm is no longer a minority business enterprise. A minority 3725  
business enterprise may have its name placed on both the 3726  
notification lists provided for in this section. 3727

(C) The director of administrative services may require an 3728  
annual registration fee for the listings provided for in division 3729  
(A) or (B) of this section. This fee shall not be more than ten 3730  
dollars. The department may charge a fee for any compilation of 3731  
descriptions of supplies or services. This fee shall be reasonable 3732

and shall not exceed the cost required to maintain the 3733  
notification lists and provide for the distribution of the 3734  
proposed purchase to the persons whose names appear on the lists. 3735

**Sec. 125.081.** (A) From the purchases that the ~~department of~~ 3736  
~~administrative services is~~ purchasing authorities are required by 3737  
law to make through competitive selection, ~~the director of~~ 3738  
~~administrative services~~ each purchasing authority shall select a 3739  
number of such purchases, the aggregate value of which equals 3740  
approximately fifteen per cent of the estimated total value of all 3741  
such purchases to be made in the current fiscal year. The ~~director~~ 3742  
purchasing authority shall set aside the purchases selected for 3743  
competition only by minority business enterprises, as defined in 3744  
division (E)(1) of section 122.71 of the Revised Code. The 3745  
competitive selection procedures for such purchases set aside 3746  
shall be the same as for all other purchases the ~~department~~ 3747  
purchasing authority is required to make through competitive 3748  
selection, except that only minority business enterprises 3749  
certified by the equal employment opportunity coordinator of the 3750  
department of administrative services in accordance with the rules 3751  
adopted under division (B)(1) of section 123.151 of the Revised 3752  
Code and listed by the director under division (B) of section 3753  
125.08 of the Revised Code shall be qualified to compete. 3754

(B) To the extent that any agency of the state, other than 3755  
the department of administrative services, the office of 3756  
information technology, the legislative and judicial branches, 3757  
boards of elections, and the adjutant general, is authorized to 3758  
make purchases, the agency shall set aside a number of purchases, 3759  
the aggregate value of which equals approximately fifteen per cent 3760  
of the aggregate value of such purchases for the current fiscal 3761  
year for competition by minority business enterprises only. The 3762  
procedures for such purchases shall be the same as for all other 3763  
such purchases made by the agency, except that only minority 3764



business enterprises certified by the equal employment opportunity 3765  
coordinator in accordance with rules adopted under division (B)(1) 3766  
of section 123.151 of the Revised Code shall be qualified to 3767  
compete. 3768

(C) In the case of purchases set aside under division (A) or 3769  
(B) of this section, if no bid is submitted by a minority business 3770  
enterprise, the purchase shall be made according to usual 3771  
procedures. The contracting agency shall from time to time set 3772  
aside such additional purchases for which only minority business 3773  
enterprises may compete, as are necessary to replace those 3774  
purchases previously set aside for which no minority business 3775  
enterprises bid and to ensure that, in any fiscal year, the 3776  
aggregate amount of contracts awarded to minority business 3777  
enterprises will equal approximately fifteen per cent of the total 3778  
amount of contracts awarded by the agency. 3779

(D) The provisions of this section shall not preclude any 3780  
minority business enterprise from competing for any other state 3781  
purchases that are not specifically set aside for minority 3782  
business enterprises. 3783

(E) No funds of any state agency shall be expended in any 3784  
fiscal year for any purchase for which competitive selection is 3785  
required, until the ~~director of the department of administrative~~ 3786  
~~services certifies~~ purchasing authorities certify to the equal 3787  
employment opportunity coordinator, the clerk of the senate, and 3788  
the clerk of the house of representatives of the general assembly 3789  
that approximately fifteen per cent of the aggregate amount of the 3790  
projected expenditure for such purchases in the fiscal year has 3791  
been set aside as provided for in this section. 3792

(F) Any person who intentionally misrepresents self as 3793  
owning, controlling, operating, or participating in a minority 3794  
business enterprise for the purpose of obtaining contracts, 3795  
subcontracts, or any other benefits under this section shall be 3796

guilty of theft by deception as provided for in section 2913.02 of 3797  
the Revised Code. 3798

**Sec. 125.082.** (A) When purchasing equipment, materials, or 3799  
supplies, the general assembly; the offices of all elected state 3800  
officers; all departments, boards, offices, commissions, agencies, 3801  
institutions, including, without limitation, state-supported 3802  
institutions of higher education, and other instrumentalities of 3803  
this state; the supreme court; all courts of appeals; and all 3804  
courts of common pleas, may purchase recycled products in 3805  
accordance with the guidelines adopted under division (B) of this 3806  
section if the products are available and meet the performance 3807  
specifications of the procuring entities. Purchases of recycled 3808  
products shall comply with any rules adopted under division (C) of 3809  
this section. 3810

(B) The ~~director of administrative services~~ purchasing 3811  
authorities shall adopt rules in accordance with Chapter 119. of 3812  
the Revised Code establishing guidelines for the procurement of 3813  
recycled products pursuant to division (A) of this section. To the 3814  
extent practicable, the guidelines shall do all of the following: 3815

(1) Be consistent with and substantially equivalent to any 3816  
relevant regulations adopted by the administrator of the United 3817  
States environmental protection agency pursuant to the "Resource 3818  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 3819  
6921, as amended; 3820

(2) Establish the minimum percentage of recycled materials 3821  
the various products shall contain in order to be considered 3822  
"recycled" for the purposes of division (A) of this section; 3823

(3) So far as practicable and economically feasible, 3824  
incorporate specifications for recycled-content materials to 3825  
promote the use and purchase of recycled products by state 3826  
agencies. 3827

(C) The ~~director~~ purchasing authorities may adopt rules in 3828  
accordance with Chapter 119. of the Revised Code establishing a 3829  
maximum percentage by which the cost of recycled products 3830  
purchased under division (A) of this section may exceed the cost 3831  
of comparable products made of virgin materials. 3832

(D) The department of administrative services, the office of 3833  
information technology, and the department of natural resources 3834  
annually shall prepare and submit to the governor, president of 3835  
the senate, and speaker of the house of representatives a report 3836  
that describes, so far as practicable, the value and types of 3837  
recycled products that are purchased with moneys disbursed from 3838  
the state treasury by the general assembly; the offices of all 3839  
elected state officers; and all departments, boards, offices, 3840  
commissions, agencies, and institutions of this state. 3841

**Sec. 125.09.** (A) Pursuant to section 125.07 of the Revised 3842  
Code, ~~the department of administrative services~~ a purchasing 3843  
authority may prescribe such conditions under which competitive 3844  
sealed bids will be received and terms of the proposed purchase as 3845  
it considers necessary; provided, that all such conditions and 3846  
terms shall be reasonable and shall not unreasonably restrict 3847  
competition, and bidders may bid upon all or any item of the 3848  
supplies or services listed in such notice. Those bidders claiming 3849  
the preference for United States and Ohio products outlined in 3850  
this chapter shall designate in their bids either that the product 3851  
to be supplied is an Ohio product or that under the rules 3852  
established by the ~~director of administrative services~~ purchasing 3853  
authority they qualify as having a significant Ohio economic 3854  
presence. 3855

(B) The ~~department~~ purchasing authority may require that each 3856  
bidder provide sufficient information about the energy efficiency 3857  
or energy usage of the bidder's product or service. 3858

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

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

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

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

(4) Criteria and procedures to be used by the ~~director~~ purchasing authorities to qualify bidders located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders whose manufactured products, except for mined products, are

produced in other states or in North America, but the bidders have 3890  
a significant Ohio economic presence in terms of the number of 3891  
employees or capital investment a bidder has in this state. 3892  
Bidders with a significant Ohio economic presence shall qualify 3893  
for award of a contract on the same basis as if their products 3894  
were produced in this state. 3895

(6) Criteria and procedures for the ~~director~~ purchasing 3896  
authority to grant waivers of the requirements of division (B) of 3897  
section 125.11 of the Revised Code on a contract-by-contract basis 3898  
where compliance with those requirements would result in the state 3899  
agency paying an excessive price for the product or acquiring a 3900  
disproportionately inferior product; 3901

(7) Such other requirements or procedures reasonably 3902  
necessary to implement the system of preferences established 3903  
pursuant to division (B) of section 125.11 of the Revised Code. 3904

In adopting the rules required under this division, the 3905  
~~director~~ purchasing authority shall, to the maximum extent 3906  
possible, conform to the requirements of the federal "Buy America 3907  
Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and 3908  
to the regulations adopted thereunder. 3909

**Sec. 125.10.** (A) ~~The department of administrative services~~ A 3910  
purchasing authority may require that all competitive sealed bids, 3911  
competitive sealed proposals, and bids received in a reverse 3912  
auction be accompanied by a performance bond or other cash surety 3913  
acceptable to the ~~director of administrative services~~ purchasing 3914  
authority, in the sum and with the sureties it prescribes, payable 3915  
to the state, and conditioned that the person submitting the bid 3916  
or proposal, if that person's bid or proposal is accepted, will 3917  
faithfully execute the terms of the contract and promptly make 3918  
deliveries of the supplies purchased. 3919

(B) A sealed copy of each competitive sealed bid or 3920

competitive sealed proposal shall be filed with the ~~department~~ 3921  
purchasing authority prior to the time specified in the notice for 3922  
opening of the bids or proposals. All competitive sealed bids and 3923  
competitive sealed proposals shall be publicly opened in the 3924  
office of the ~~department~~ purchasing authority at the time 3925  
specified in the notice. A representative of the auditor of state 3926  
shall be present at the opening of all competitive sealed bids and 3927  
competitive sealed proposals, and shall certify the opening of 3928  
each competitive sealed bid and competitive sealed proposal. No 3929  
competitive sealed bid or competitive sealed proposal shall be 3930  
considered valid unless it is so certified. 3931

**Sec. 125.11.** (A) Subject to division (B) of this section, 3932  
contracts awarded pursuant to a reverse auction under section 3933  
125.072 of the Revised Code or pursuant to competitive sealed 3934  
bidding, including contracts awarded under section 125.081 of the 3935  
Revised Code, shall be awarded to the lowest responsive and 3936  
responsible bidder on each item in accordance with section 9.312 3937  
of the Revised Code. When the contract is for meat products as 3938  
defined in section 918.01 of the Revised Code or poultry products 3939  
as defined in section 918.21 of the Revised Code, only those bids 3940  
received from vendors offering products from establishments on the 3941  
current list of meat and poultry vendors established and 3942  
maintained by the director of administrative services under 3943  
section 125.17 of the Revised Code shall be eligible for 3944  
acceptance. The ~~department of administrative services~~ purchasing 3945  
authority may accept or reject any or all bids in whole or by 3946  
items, except that when the contract is for services or products 3947  
available from a qualified nonprofit agency pursuant to sections 3948  
125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the 3949  
contract shall be awarded to that agency. 3950

(B) Prior to awarding a contract under division (A) of this 3951  
section, the ~~department of administrative services~~ purchasing 3952

authority or the state agency responsible for evaluating a 3953  
contract for the purchase of products shall evaluate the bids 3954  
received according to the criteria and procedures established 3955  
pursuant to divisions (C)(1) and (2) of section 125.09 of the 3956  
Revised Code for determining if a product is produced or mined in 3957  
the United States and if a product is produced or mined in this 3958  
state. The ~~department~~ purchasing authority or other state agency 3959  
shall first remove bids that offer products that have not been or 3960  
that will not be produced or mined in the United States. From 3961  
among the remaining bids, the ~~department~~ purchasing authority or 3962  
other state agency shall select the lowest responsive and 3963  
responsible bid, in accordance with section 9.312 of the Revised 3964  
Code, from among the bids that offer products that have been 3965  
produced or mined in this state where sufficient competition can 3966  
be generated within this state to ensure that compliance with 3967  
these requirements will not result in an excessive price for the 3968  
product or acquiring a disproportionately inferior product. If 3969  
there are two or more qualified bids that offer products that have 3970  
been produced or mined in this state, it shall be deemed that 3971  
there is sufficient competition to prevent an excessive price for 3972  
the product or the acquiring of a disproportionately inferior 3973  
product. 3974

(C) Division (B) of this section applies to contracts for 3975  
which competitive bidding is waived by the controlling board. 3976

(D) Division (B) of this section does not apply to the 3977  
purchase by the division of liquor control of spirituous liquor. 3978

(E) The director of administrative services shall publish in 3979  
the form of a model act for use by counties, townships, municipal 3980  
corporations, or any other political subdivision described in 3981  
division (B) of section 125.04 of the Revised Code, a system of 3982  
preferences for products mined and produced in this state and in 3983  
the United States and for Ohio-based contractors. The model act 3984

shall reflect substantial equivalence to the system of preferences 3985  
in purchasing and public improvement contracting procedures under 3986  
which the state operates pursuant to this chapter and section 3987  
153.012 of the Revised Code. To the maximum extent possible, 3988  
consistent with the Ohio system of preferences in purchasing and 3989  
public improvement contracting procedures, the model act shall 3990  
incorporate all of the requirements of the federal "Buy America 3991  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 3992  
the rules adopted under that act. 3993

Before and during the development and promulgation of the 3994  
model act, the director shall consult with appropriate statewide 3995  
organizations representing counties, townships, and municipal 3996  
corporations so as to identify the special requirements and 3997  
concerns these political subdivisions have in their purchasing and 3998  
public improvement contracting procedures. The director shall 3999  
promulgate the model act by rule adopted pursuant to Chapter 119. 4000  
of the Revised Code and shall revise the act as necessary to 4001  
reflect changes in this chapter or section 153.012 of the Revised 4002  
Code. 4003

The director shall make available copies of the model act, 4004  
supporting information, and technical assistance to any township, 4005  
county, or municipal corporation wishing to incorporate the 4006  
provisions of the act into its purchasing or public improvement 4007  
contracting procedure. 4008

**Sec. 125.15.** All state agencies required to secure any 4009  
equipment, materials, supplies, or services from ~~the department of~~ 4010  
~~administrative services~~ a purchasing authority shall make 4011  
acquisition in the manner and upon forms prescribed by ~~the~~ 4012  
~~director of administrative services~~ that purchasing authority and 4013  
shall reimburse the ~~department~~ purchasing authority for the 4014  
equipment, materials, supplies, or services, including a 4015



reasonable sum to cover ~~the department's~~ administrative costs and 4016  
costs relating to energy efficiency and conservation programs, 4017  
whenever reimbursement is required by the ~~department~~ purchasing 4018  
authority. The money so paid shall be deposited in the state 4019  
treasury to the credit of the general services fund for use by the 4020  
department of administrative services or the information 4021  
technology fund for use by the office of information technology, 4022  
as appropriate. Those funds are hereby created. 4023

**Sec. 125.25.** (A) ~~The director of administrative services~~ A 4024  
purchasing authority may debar a vendor from consideration for 4025  
contract awards upon a finding based upon a reasonable belief that 4026  
the vendor has done any of the following: 4027

(1) Abused the selection process by repeatedly withdrawing 4028  
bids or proposals before purchase orders or contracts are issued 4029  
or failing to accept orders based upon firm bids; 4030

(2) Failed to substantially perform a contract according to 4031  
its terms, conditions, and specifications within specified time 4032  
limits; 4033

(3) Failed to cooperate in monitoring contract performance by 4034  
refusing to provide information or documents required in a 4035  
contract, failed to respond to complaints to the vendor, or 4036  
accumulated repeated justified complaints regarding performance of 4037  
a contract; 4038

(4) Attempted to influence a public employee to breach 4039  
ethical conduct standards or to influence a contract award; 4040

(5) Colluded to restrain competition by any means; 4041

(6) Been convicted of a criminal offense related to the 4042  
application for or performance of any public or private contract, 4043  
including, but not limited to, embezzlement, theft, forgery, 4044  
bribery, falsification or destruction of records, receiving stolen 4045

property, and any other offense that directly reflects on the 4046  
vendor's business integrity; 4047

(7) Been convicted under state or federal antitrust laws; 4048

(8) Deliberately or willfully submitted false or misleading 4049  
information in connection with the application for or performance 4050  
of a public contract; 4051

(9) Violated any other responsible business practice or 4052  
performed in an unsatisfactory manner as determined by ~~the~~ 4053  
director a purchasing authority; 4054

(10) Through the default of a contract or through other means 4055  
had a determination of unresolved finding for recovery by the 4056  
auditor of state under section 9.24 of the Revised Code; 4057

(11) Acted in such a manner as to be debarred from 4058  
participating in a contract with any governmental agency. 4059

(B) When ~~the director~~ a purchasing authority reasonably 4060  
believes that grounds for debarment exist, the ~~director~~ purchasing 4061  
authority shall send the vendor a notice of proposed debarment 4062  
indicating the grounds for the proposed debarment and the 4063  
procedure for requesting a hearing on the proposed debarment. The 4064  
hearing shall be conducted in accordance with Chapter 119. of the 4065  
Revised Code. If the vendor does not respond with a request for a 4066  
hearing in the manner specified in Chapter 119. of the Revised 4067  
Code, the ~~director~~ purchasing authority shall issue the debarment 4068  
decision without a hearing and shall notify the vendor of the 4069  
decision by certified mail, return receipt requested. 4070

(C) The ~~director~~ purchasing authority shall determine the 4071  
length of the debarment period and may rescind the debarment at 4072  
any time upon notification to the vendor. During the period of 4073  
debarment, the vendor is not eligible to participate in any state 4074  
contract. After the debarment period expires, the vendor shall be 4075  
eligible to be awarded contracts by state agencies. 4076

(D) The ~~director, through the~~ office of information 4077  
technology and the ~~office of procurement~~ department of 4078  
administrative services, shall maintain a list of all vendors 4079  
currently debarred under this section. 4080

**Sec. 125.45.** The department of administrative services shall 4081  
maintain facilities to perform office reproduction services for 4082  
all boards, commissions, or departments except for the bureau of 4083  
workers' compensation. Upon written application to the department 4084  
of administrative services, permission may be granted to a board, 4085  
commission, or department to perform such services outside the 4086  
central facility and such permission shall state the extent of the 4087  
services which the department, board, or commission shall perform. 4088

Office reproduction services using stencils, masters, or 4089  
plates are restricted to duplicating equipment not larger than 4090  
seventeen by twenty-two inches. Not to exceed five thousand press 4091  
impressions shall be produced of any such order except that up to 4092  
one thousand production copies may be produced of any item 4093  
consisting of multiple pages and except that over five thousand, 4094  
but not more than ten thousand, press impressions may be produced 4095  
if the director of administrative services determines that there 4096  
is an emergency due to the timing of service delivery or another 4097  
factor that may cause financial hardship to the state. 4098

Nothing in this section precludes the bureau from entering 4099  
into a contract with the department of administrative services for 4100  
the department to perform office reproduction services for the 4101  
bureau. 4102

~~Neither the department nor any other~~ No state agency, other 4103  
than the department of administrative services, shall perform 4104  
printing or office reproduction services for political 4105  
subdivisions. 4106

Sec. 125.93. The state forms management program shall do each 4107  
of the following: 4108

(A) Assist state agencies in establishing internal forms 4109  
management capabilities; 4110

~~(B) Study, develop, coordinate, and initiate forms of 4111  
interagency and common administrative usage, and establish basic 4112  
design and specification criteria to standardize state forms; 4113~~

~~(C) Assist state agencies to design economical forms; 4114~~

~~(D)~~(C) Assist, train, and instruct state agencies and their 4115  
forms management representatives in forms management techniques, 4116  
and provide direct forms management assistance to new state 4117  
agencies as they are created; 4118

~~(E) Maintain a central forms repository of all state forms to 4119  
facilitate standardization of the forms, eliminate redundant 4120  
forms, and provide a central source of information on forms usage 4121  
and availability. 4122~~

Sec. 125.96. The director of administrative services may 4123  
adopt, amend, or rescind rules necessary to carry out the powers 4124  
and duties imposed upon the state forms management program and 4125  
state agencies by sections 125.92 to 125.98 of the Revised Code. 4126  
~~The director shall adopt, and may amend or rescind, rules 4127  
providing each of the following: 4128~~

~~(A) After a date to be determined by the state forms 4129  
management program, no state agency shall utilize any form, other 4130  
than a form subject to division (B) of section 125.95 of the 4131  
Revised Code, the management of which has not been delegated to 4132  
the agency by the program under division (A) of that section or 4133  
been approved by the program. 4134~~

~~(B) The notice required by section 125.97 of the Revised Code 4135~~

~~shall appear in a standard place and a standard manner on each 4136  
form to which the notice applies, and shall include specified 4137  
indicia of approval by the state forms management program. 4138~~

~~(C) Any form required by a state agency on an emergency basis 4139  
may be given interim approval by the state forms management 4140  
program if the form is accompanied by a letter from the director 4141  
or other head of the agency setting forth the nature of the 4142  
emergency and requesting interim approval. 4143~~

**Sec. 125.97.** ~~All forms, other than those forms subject to 4144  
division (B) of section 125.95 of the Revised Code, used to obtain 4145  
information from private business, agriculture, or local 4146  
governments, except those forms used by the tax commissioner for 4147  
administration of taxes and programs, shall contain a conspicuous 4148  
notice on the first page setting forth the authorization for the 4149  
form and stating whether providing the information sought is 4150  
required or voluntary, and any penalties that apply to failure to 4151  
provide the information. 4152~~

**Sec. 125.98.** (A) Each state agency shall appoint a forms 4153  
management representative, who may be from existing personnel. The 4154  
appointee shall cooperate with, and provide other necessary 4155  
assistance to, the director of administrative services and the 4156  
state forms management program in implementing the program. A 4157  
forms management representative shall do all of the following: 4158

(1) Manage the agency's forms management program and 4159  
cooperate with and provide other necessary assistance to the 4160  
director of administrative services in implementing the state 4161  
forms management program; 4162

(2) Monitor the use and reproduction of all forms to ensure 4163  
that all policies, procedures, guidelines, and standards 4164  
established by the agency and the director of administrative 4165

services are followed; 4166

~~(3) Ensure that every form used by the agency is presented to  
the state forms management program for registration prior to its  
reproduction;~~ 4167  
4168  
4169

~~(4) Maintain a master forms file history file, in numeric  
order, of all agency forms;~~ 4170  
4171

~~(5) Verify and update the all historical information on all  
forms in the agency's central forms repository database.~~ 4172  
4173

(B) Any state agency, as defined in section 1.60 of the 4174  
Revised Code, not included within the definition of a state agency 4175  
in section 125.91 of the Revised Code may elect to participate in 4176  
the state forms management program. The program may provide to any 4177  
such agency any service required or authorized by sections 125.92 4178  
to 125.98 of the Revised Code to be performed for a state agency. 4179

**Sec. 126.03.** (A) The director of budget and management shall: 4180  
4181

(1) Prepare biennially a capital plan and, with the 4182  
concurrence of the governor, submit it to the general assembly. 4183  
The capital plan shall contain recommendations as to the 4184  
acquisition of real estate and the construction of public 4185  
improvements. The capital plan shall extend through a period of at 4186  
least six years in the future and shall identify the projects 4187  
which should be undertaken in each biennium of the period through 4188  
which the plan extends, together with estimated costs of all such 4189  
recommended projects. 4190

(2) Require biennially, from the chief administrative 4191  
authorities of affected state agencies, their recommendations as 4192  
to the acquisition of real estate and construction of public 4193  
improvements which will be needed through a period of at least six 4194  
years in the future, together with a description of each proposed 4195

public improvement and the estimated capacity of the improvement 4196  
in terms of its proposed use, a demonstration of the need for the 4197  
real estate or public improvement, the benefits in governmental 4198  
operations expected to result from the acquisition or 4199  
construction, the state agencies which will occupy or control the 4200  
real estate or improvement, and the location of the real estate or 4201  
public improvement. The director shall evaluate such recommended 4202  
projects as to their validity and as to the comparative degree of 4203  
need among them; notify the chief administrative authorities of 4204  
the recommending agencies of the action taken on each such 4205  
recommendation; and consult with and seek the recommendations of 4206  
the chief administrative authorities of the affected agencies on 4207  
all projects being considered for inclusion in the capital plan, 4208  
whether originally proposed by the director of budget and 4209  
management or by a state agency. 4210

(3) At the request and with the concurrence of the governor, 4211  
prepare and recommend to the general assembly a biennial capital 4212  
budget that includes the recommendations of the director as to 4213  
projects to be undertaken or revised during the fiscal biennium 4214  
following the latest biennium for which a capital appropriations 4215  
act was enacted. The capital budget shall include all projects 4216  
which the director considers to be necessary and feasible, whether 4217  
originally proposed by the director or by a state agency. 4218

(B) In the capital plan and capital budget prepared under 4219  
this section, the director of budget and management shall not 4220  
provide for the acquisition of rights-of-way for, construction of, 4221  
or reconstruction of transportation facilities by the director of 4222  
transportation, other than transportation facilities financed by 4223  
the Ohio building authority. Division (A)(2) of this section does 4224  
not require the director of transportation to provide to the 4225  
director of budget and management recommendations for the 4226  
acquisition of rights-of-way for, construction of, or 4227

reconstruction of transportation facilities, other than 4228  
transportation facilities financed by the Ohio building authority. 4229

(C)(1) In order to reflect the issuance of obligations under 4230  
division (C) of section 183.51 of the Revised Code in lieu of 4231  
direct obligations of the state, each capital budget prepared and 4232  
recommended shall limit capital appropriations funded by direct 4233  
obligations of the state as necessary to ensure that debt service 4234  
payable from the general revenue fund in a fiscal year shall not 4235  
exceed the following percentages of the total estimated revenue of 4236  
the state for the general revenue fund plus net state lottery 4237  
proceeds: 4238

(a) Four and one-quarter per cent for fiscal years 2009 4239  
through 2012; 4240

(b) Four and one-half per cent for fiscal years 2013 through 4241  
2020. 4242

(2) The percentages described in division (C)(1) of this 4243  
section shall be calculated in accordance with section 126.16 of 4244  
the Revised Code and Article VIII, Section 17, Ohio Constitution. 4245  
The percentage may be adjusted or waived by the controlling board 4246  
on request of the director. The director shall notify the 4247  
president of the senate, the speaker of the house of 4248  
representatives, and the chairpersons of the finance and 4249  
appropriations committees of the house of representatives and 4250  
senate whenever any issuance of direct obligations of the state 4251  
results in debt service payable from the general revenue fund 4252  
exceeding the applicable limitation described in division (C)(1) 4253  
of this section. 4254

**Sec. 126.04. Funds appropriated for purposes of fulfilling 4255**  
**the state's obligations under the consent order filed March 5, 4256**  
**2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 4257**  
**States district court for the southern district of Ohio, eastern 4258**



division, shall be in an appropriation item that authorizes 4259  
expenditures only for purposes of fulfilling the state's 4260  
obligations under the consent order. 4261

**Sec. 126.07.** ~~No~~ Except as provided in division (B) of section 4262  
126.21 of the Revised Code, no contract, agreement, or obligation 4263  
involving the expenditure of money chargeable to an appropriation, 4264  
nor any resolution or order for the expenditure of money 4265  
chargeable to an appropriation, shall be valid and enforceable 4266  
unless the director of budget and management first certifies that 4267  
there is a balance in the appropriation not already obligated to 4268  
pay existing obligations, in an amount at least equal to the 4269  
portion of the contract, agreement, obligation, resolution, or 4270  
order to be performed in the current fiscal year. Any written 4271  
contract or agreement entered into by the state shall contain a 4272  
clause stating that the obligations of the state are subject to 4273  
this section. 4274

The chief administrative officer of a state agency is 4275  
responsible for the preaudit and approval of expenditures and 4276  
other transactions of the agency. In order to ~~make~~ initiate the 4277  
making of a payment from the state treasury, the person in a state 4278  
agency who requests that the payment be made shall first submit to 4279  
the ~~director~~ chief administrative officer of the agency all 4280  
invoices, claims, vouchers, and other evidentiary matter 4281  
documentation related to the payment. If the director approves 4282  
payment to be made, the director shall draw a warrant as provided 4283  
in section 126.35 of the Revised Code. The chief administrative 4284  
officer shall examine each voucher and all other documentation 4285  
required to support the voucher and determine whether they meet 4286  
all the requirements established by the director of budget and 4287  
management for making the payment. If they do meet those 4288  
requirements, the chief administrative officer shall certify to 4289  
the director the approval of the chief administrative officer for 4290

payment. 4291

Prior to drawing a warrant as provided in section 126.35 of 4292  
the Revised Code, the director may review and audit the voucher, 4293  
any documentation accompanying the voucher, and any other 4294  
documentation related to the transaction that the director may 4295  
require to determine if the transaction is in accordance with law. 4296

The director shall not approve payment to be made if the director 4297  
finds that there is not an unobligated balance in the 4298  
appropriation for the payment, that the payment is not for a valid 4299  
claim against the state that is legally due, or that insufficient 4300  
~~evidentiary matter~~ documentation has been submitted. If the 4301  
director does not approve payment, the director shall notify the 4302  
agency of the reasons the director has not given approval. 4303

In approving payments to be made under this section, the 4304  
director, upon receipt of certification from the director of job 4305  
and family services pursuant to section 4141.231 of the Revised 4306  
Code, shall withhold from amounts otherwise payable to a person 4307  
who is the subject of the director of jobs and family services' 4308  
certification, the amount certified to be due and unpaid to the 4309  
director of job and family services, and shall approve for payment 4310  
to the director of job and family services, the amount withheld. 4311

As used in this section and in section 126.21 of the Revised 4312  
Code, "chief administrative officer" means either of the 4313  
following: 4314

(A) The director of the agency or, in the case of a state 4315  
agency without a director, the equivalent officer of that agency; 4316

(B) The designee of the chief administrative officer for the 4317  
purposes of such sections. 4318

**Sec. 126.08.** The director of budget and management may 4319  
exercise control over the financial transactions of state 4320

agencies, including approving, disapproving, voiding, or 4321  
invalidating encumbrances or transactions, except those in the 4322  
judicial and legislative branches, by: 4323

(A) Requiring encumbrancing documents or any other financial 4324  
information to be submitted to the director, ~~where such submission~~ 4325  
~~is prescribed by law or where the director considers such~~ 4326  
~~submission necessary~~ to evaluate the legality of a ~~proposed~~ an 4327  
expenditure, ~~and by approving or disapproving any encumbrance~~ 4328  
~~requested,~~ except that the director shall not disapprove any 4329  
encumbrancing document submitted by the attorney general, auditor 4330  
of state, secretary of state, or treasurer of state unless there 4331  
is an insufficient unobligated balance in the appropriation or the 4332  
encumbrance does not meet all other legal requirements. Those 4333  
portions of an appropriation that are encumbered are not available 4334  
for expenditure for any purpose other than that indicated on the 4335  
encumbrancing document. If any requirements of the director 4336  
regarding the submission of encumbrancing documents or other 4337  
financial information are not complied with, or if any 4338  
encumbrancing document is disapproved in whole or in part, the 4339  
director shall notify the submitting agency thereof and shall not 4340  
authorize payment unless the reasons for disapproval are 4341  
corrected. 4342

(B) Requiring the allocation and allotment of any 4343  
appropriation by quarter or by any other period of time. 4344

(C) Reporting to the attorney general for such action, civil 4345  
or criminal, as the attorney general considers necessary, all 4346  
facts showing improper payment of public money or misappropriation 4347  
of public property; 4348

(D) By adopting rules for carrying into effect any powers 4349  
granted by this chapter. 4350

**Sec. ~~125.18~~ 126.17.** (A) There is hereby established the 4351

~~office of information technology housed within the department of~~ 4352  
~~administrative services. The office shall be under the supervision~~ 4353  
~~position of a chief information officer to state chief information~~ 4354  
~~officer, who shall be appointed by the ~~governor~~ director of budget~~ 4355  
~~and management and subject to removal at the pleasure of the~~ 4356  
~~governor director. The chief information officer shall serve as~~ 4357  
~~the director of the office. The state chief information officer~~ 4358  
~~shall report to the director of budget and management and shall be~~ 4359  
~~an assistant director of the office of budget and management in~~ 4360  
~~addition to the assistant director created in section 121.05 of~~ 4361  
~~the Revised Code. There is hereby created the office of~~ 4362  
~~information technology in the office of budget and management. The~~ 4363  
~~office of information technology shall be supervised by the state~~ 4364  
~~chief information officer, subject to the authority of the~~ 4365  
~~director of budget and management. The state chief information~~ 4366  
~~officer shall have all authority granted to the office of~~ 4367  
~~information technology, and the exercise of that authority shall~~ 4368  
~~be subject to the approval of the director of budget and~~ 4369  
~~management.~~ 4370

(B) ~~The director of the office of information technology~~ 4371  
~~state chief information officer shall advise annually submit a~~ 4372  
~~report to the governor regarding the statewide superintendence of~~ 4373  
~~information technology and implementation of statewide information~~ 4374  
~~technology policy.~~ 4375

(C) ~~The director of the office of information technology~~ 4376  
~~state chief information officer shall lead, oversee, and direct~~ 4377  
~~state agency activities related to information technology~~ 4378  
~~development and use. In that regard, the ~~director~~ state chief~~ 4379  
~~information officer shall do all of the following:~~ 4380

(1) Coordinate and superintend statewide efforts to promote 4381  
common use and development of technology by state agencies. The 4382  
office of information technology shall establish policies and 4383

standards that govern and direct state agency participation in 4384  
statewide programs and initiatives. 4385

(2) Establish policies and standards for the acquisition and 4386  
use of information technology by state agencies, including, but 4387  
not limited to, hardware, software, technology services, and 4388  
security, with which state agencies shall comply; 4389

(3) Establish criteria and review processes to identify state 4390  
agency information technology projects that require alignment or 4391  
oversight. As appropriate, the ~~office of information technology~~ 4392  
state chief information officer shall provide ~~the governor and the~~ 4393  
director of budget and management with notice and advice regarding 4394  
the appropriate allocation of resources for those projects. The 4395  
~~director of the office of information technology~~ state chief 4396  
information officer may ~~require state agencies to provide, and may~~ 4397  
prescribe the form and manner by which ~~they~~ state agencies must 4398  
provide, ~~and may require state agencies to provide,~~ information to 4399  
fulfill the ~~director's~~ state chief information officer's alignment 4400  
and oversight role. 4401

(D) The office of information technology ~~shall have~~ has the 4402  
~~same authority given to the department of administrative services~~ 4403  
~~under~~ for the purchase of information technology supplies and 4404  
services for state agencies consistent with sections 125.01, 4405  
125.011, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 4406  
125.072, 125.081, 125.09, 125.10, 125.11, 125.15, and 125.25 of 4407  
the Revised Code ~~for the purchase of information technology~~ 4408  
~~supplies and services for state agencies.~~ 4409

(E) The office of information technology may make contracts 4410  
for, operate, and superintend technology supplies and services for 4411  
state agencies in accordance with this chapter. 4412

(F) The office of information technology may establish 4413  
cooperative agreements with federal and local government agencies 4414

and state agencies that are not under the authority of the 4415  
governor for the provision of technology services and the 4416  
development of technology projects. 4417

(G) As used in this section, "state agency" ~~means~~ includes 4418  
every organized body, office, or agency established by the laws of 4419  
the state for the exercise of any function of state government, 4420  
other than any state-supported institution of higher education, 4421  
the office of the auditor of state, treasurer of state, secretary 4422  
of state, or attorney general, the public employees retirement 4423  
system, the Ohio police and fire pension fund, the state teachers 4424  
retirement system, the school employees retirement system, the 4425  
state highway patrol retirement system, the general assembly or 4426  
any legislative agency, or the courts or any judicial agency. 4427

(H) There is hereby created in the state treasury the IT 4428  
governance fund for the purpose of carrying out the office of 4429  
information technology's responsibilities described in this 4430  
section. The fund shall consist of revenues generated from payroll 4431  
charges, billed services, administrative assessments, and other 4432  
revenues designated to support the responsibilities described in 4433  
this section. 4434

**Sec. ~~125.30~~ 126.18.** (A) The ~~department of administrative 4435  
services office of information technology~~ shall do both of the 4436  
following: 4437

(1) Create a business reply form that is capable of 4438  
containing information that a private business is required to 4439  
provide to state agencies on a regular basis. The ~~director of 4440  
administrative services office of information technology~~ shall 4441  
adopt rules in accordance with Chapter 119. of the Revised Code 4442  
specifying the information that the form shall contain. ~~Subject to 4443  
division (E) of this section, state~~ State agencies shall use the 4444  
business reply form to obtain information from private businesses. 4445

(2) ~~Create an on-line computer network system to allow~~ 4446  
~~private businesses to electronically file the business reply form~~ 4447  
Maintain the Ohio business gateway, as defined in section 718.051 4448  
of the Revised Code. 4449

In creating the business reply form described in division 4450  
(A)(1) of this section, the ~~director~~ office of information 4451  
technology may consider the recommendations of interested parties 4452  
from the small business community who have direct knowledge of and 4453  
familiarity with the current state reporting requirements that 4454  
apply to, and the associated forms that are filed by, small 4455  
businesses. 4456

(B) The ~~director~~ office of information technology shall 4457  
establish procedures by which state agencies may share the 4458  
information that is collected through the form established under 4459  
division (A) of this section. These procedures shall provide that 4460  
information that has been designated as confidential by any state 4461  
agency shall not be made available to the other state agencies 4462  
having access to the business reply form. 4463

(C) ~~Not later than September 30, 1999, the director~~ The 4464  
office of information technology may report to the director of 4465  
budget and management and to the committees ~~that handle~~ having 4466  
jurisdiction over finance and ~~the committees that handle~~ state 4467  
government affairs in the house of representatives and the senate 4468  
on the progress of state agencies in complying with division 4469  
(A)(1) of this section. The ~~director~~ office of information 4470  
technology may recommend a five per cent reduction in the future 4471  
appropriations of any state agency that has failed to comply with 4472  
that division without good cause. 4473

(D) As used in this section: 4474

(1) "State agency" ~~means the secretary of state, the~~ 4475  
~~department of job and family services regarding duties it performs~~ 4476

~~pursuant to Title XLI of the Revised Code, the bureau of workers' 4477  
compensation, the department of administrative services, and any 4478  
other state agency that elects to participate in the pilot program 4479  
as provided in division (E) of this section has the same meaning 4480  
as defined in section 126.17 of the Revised Code. 4481~~

~~(2) "Form" has the same meaning as in division (B) of defined 4482  
in section 125.91 of the Revised Code. 4483~~

~~(E) The provisions of this section pertaining to the business 4484  
reply form constitute a two-year pilot program. Not later than one 4485  
year after January 21, 1998, the department of administrative 4486  
services shall complete the planning and preparation that is 4487  
necessary to implement the pilot program. The director of 4488  
administrative services may request other state agencies, as 4489  
defined in division (A) of section 125.91 of the Revised Code, to 4490  
participate in the pilot program. If the director so requests, the 4491  
state agency may participate in the program. The provisions of 4492  
this section shall cease to have effect three years after January 4493  
21, 1998. Within ninety days after the completion of the pilot 4494  
program, the director of administrative services shall report to 4495  
the director of budget and management and the committees described 4496  
in division (C) of this section on the effectiveness of the pilot 4497  
program. 4498~~

Sec. 126.19. (A) There is established the multi-agency radio 4499  
communications system (MARCS). The system shall be a computer and 4500  
communications network to provide voice and data communications 4501  
statewide maintained by the office of information technology. 4502  
MARCS shall supply a communications backbone for statewide public 4503  
safety uses in a single system shared by several state agencies. 4504  
The system shall provide mobile voice, data, vehicle location 4505  
services, and computer-aided dispatching. The office of 4506  
information technology shall promote MARCS as a statewide 4507



interoperable communications system for public safety agencies at 4508  
all levels of government. Subject to the approval of the MARCS 4509  
steering committee, the office of information technology may make 4510  
MARCS available to agencies for uses not related to public safety. 4511

(B) There is hereby established a MARCS steering committee 4512  
consisting of the designees of the state chief information 4513  
officer; the directors of public safety, health, natural 4514  
resources, transportation, rehabilitation and correction, and 4515  
youth services; and a designee not from a state agency who shall 4516  
be appointed by the state chief information officer. The state 4517  
chief information officer or the officer's designee shall chair 4518  
the committee. The committee shall provide assistance to the 4519  
office of information technology for effective and efficient 4520  
implementation of the MARCS system as well as develop policies for 4521  
the ongoing management of the system. Upon dates prescribed by the 4522  
state chief information officer, the MARCS steering committee 4523  
shall report to the state chief information officer on the 4524  
progress of MARCS implementation and the development of policies 4525  
related to the system. The MARCS steering committee may permit 4526  
secondary uses of MARCS not related to public safety so long as 4527  
those secondary uses do not interfere with the system's primary 4528  
use for public safety. 4529

**Sec. 126.21.** (A) The director of budget and management shall 4530  
do all of the following: 4531

(1) Keep all necessary accounting records; 4532

(2) Prescribe and maintain the accounting system of the state 4533  
and establish appropriate accounting procedures and charts of 4534  
accounts; 4535

(3) Establish procedures for the use of written, electronic, 4536  
optical, or other communications media for approving and reviewing 4537  
payment vouchers; 4538

(4) Reconcile, in the case of any variation between the 4539  
amount of any appropriation and the aggregate amount of items of 4540  
the appropriation, with the advice and assistance of the state 4541  
agency affected by it and the legislative service commission, 4542  
totals so as to correspond in the aggregate with the total 4543  
appropriation. In the case of a conflict between the item and the 4544  
total of which it is a part, the item shall be considered the 4545  
intended appropriation. 4546

(5) Evaluate on an ongoing basis and, if necessary, recommend 4547  
improvements to the internal controls used in state agencies; 4548

(6) Authorize the establishment of petty cash accounts. The 4549  
director ~~of budget and management~~ may withdraw approval for any 4550  
petty cash account and require the officer in charge to return to 4551  
the state treasury any unexpended balance shown by the officer's 4552  
accounts to be on hand. Any officer who is issued a warrant for 4553  
petty cash shall render a detailed account of the expenditures of 4554  
the petty cash and shall report when requested the balance of 4555  
petty cash on hand at any time. 4556

(7) Process orders, invoices, vouchers, claims, and payrolls 4557  
and prepare financial reports and statements; 4558

(8) Perform extensions, reviews, and compliance checks prior 4559  
to or after approving a payment as the director considers 4560  
necessary; 4561

(9) Issue the official comprehensive annual financial report 4562  
of the state. The report shall cover all funds of the state 4563  
reporting entity and shall include basic financial statements and 4564  
required supplementary information prepared in accordance with 4565  
generally accepted accounting principles and other information as 4566  
the director provides. All state agencies, authorities, 4567  
institutions, offices, retirement systems, and other component 4568  
units of the state reporting entity as determined by the director 4569

shall furnish the director whatever financial statements and other 4570  
information the director requests for the report, in the form, at 4571  
the times, covering the periods, and with the attestation the 4572  
director prescribes. The information for state institutions of 4573  
higher education, as defined in section 3345.011 of the Revised 4574  
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 4575  
board of regents. The board shall establish a due date by which 4576  
each such institution shall submit the information to the board, 4577  
but no such date shall be later than one hundred twenty days after 4578  
the end of the state fiscal year unless a later date is approved 4579  
by the director. 4580

(B) In addition to the director's duties under division (A) 4581  
of this section, the director ~~of budget and management~~ may 4582  
establish and administer one or more state payment card programs 4583  
that permit or require state agencies to use a payment card to 4584  
purchase equipment, materials, supplies, or services in accordance 4585  
with guidelines issued by the director. The chief administrative 4586  
officer of a state agency that uses a payment card for such 4587  
purposes shall ensure that purchases made with the card are made 4588  
in accordance with the guidelines issued by the director and do 4589  
not exceed the unexpended, unencumbered, unobligated balance in 4590  
the appropriation to be charged for the purchase. State agencies 4591  
may ~~only~~ participate in only those state payment card programs 4592  
that the director establishes pursuant to this section. 4593

(C) In addition to the director's duties under divisions (A) 4594  
and (B) of this section, the director may enter into any contract 4595  
or agreement necessary for and incidental to the performance of 4596  
the director's duties or the duties of the office of budget and 4597  
management. 4598

**Sec. 126.22.** The director of budget and management may: 4599

(A) Perform accounting services for and design and implement 4600

accounting systems with state agencies; 4601

(B) Provide other accounting services, including the 4602  
maintenance and periodic auditing of the financial records of and 4603  
submission of vouchers by state agencies, provision of assistance 4604  
in the analysis of the financial position of state agencies, and 4605  
preparation and submission of reports; 4606

(C) Change any accounting code appearing in appropriations 4607  
acts of the general assembly. 4608

**Sec. 126.24.** The OAKS support organization fund is hereby 4609  
created in the state treasury for the purpose of paying the 4610  
operating expenses of the state's enterprise resource planning 4611  
system. The fund shall consist of cash transfers from the 4612  
accounting and budgeting fund and the human resources services 4613  
fund, and other revenues designated to support the operating costs 4614  
of the Ohio administrative knowledge system. All investment 4615  
earnings of the fund shall be credited to the fund. 4616

**Sec. 126.40.** There is hereby created in the state treasury 4617  
the forgery recovery fund. The fund shall consist of all moneys 4618  
collected by the attorney general from the resolution of cases of 4619  
fraud or forgery involving warrants issued by the director of the 4620  
office of budget and management. The director shall use the fund 4621  
to pay costs associated with the reissue of state warrants to 4622  
payees whose warrants were fraudulently redeemed. 4623

**Sec. 127.16.** (A) Upon the request of either a state agency or 4624  
the director of budget and management and after the controlling 4625  
board determines that an emergency or a sufficient economic reason 4626  
exists, the controlling board may approve the making of a purchase 4627  
without competitive selection as provided in division (B) of this 4628  
section. 4629

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

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

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

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

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

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(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;

(3) Applying to the purchase of examinations from a sole 4661  
supplier by a state licensing board under Title XLVII of the 4662  
Revised Code; 4663

(4) Applying to entertainment contracts for the Ohio state 4664  
fair entered into by the Ohio expositions commission, provided 4665  
that the controlling board has given its approval to the 4666  
commission to enter into such contracts and has approved a total 4667  
budget amount for such contracts as agreed upon by commission 4668  
action, and that the commission causes to be kept itemized records 4669  
of the amounts of money spent under each contract and annually 4670  
files those records with the clerk of the house of representatives 4671  
and the clerk of the senate following the close of the fair; 4672

(5) Limiting the authority of the chief of the division of 4673  
mineral resources management to contract for reclamation work with 4674  
an operator mining adjacent land as provided in section 1513.27 of 4675  
the Revised Code; 4676

(6) Applying to investment transactions and procedures of any 4677  
state agency, except that the agency shall file with the board the 4678  
name of any person with whom the agency contracts to make, broker, 4679  
service, or otherwise manage its investments, as well as the 4680  
commission, rate, or schedule of charges of such person with 4681  
respect to any investment transactions to be undertaken on behalf 4682  
of the agency. The filing shall be in a form and at such times as 4683  
the board considers appropriate. 4684

(7) Applying to purchases made with money for the per cent 4685  
for arts program established by section 3379.10 of the Revised 4686  
Code; 4687

(8) Applying to purchases made by the rehabilitation services 4688  
commission of services, or supplies, that are provided to persons 4689  
with disabilities, or to purchases made by the commission in 4690  
connection with the eligibility determinations it makes for 4691

applicants of programs administered by the social security administration;	4692 4693
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	4694 4695 4696 4697
(10) Applying to any agency of the legislative branch of the state government;	4698 4699
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	4700 4701 4702
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	4703 4704 4705 4706
(13) Applying to dues or fees paid for membership in an organization or association;	4707 4708
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	4709 4710
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	4711 4712 4713 4714
(16) Applying to purchases of tickets for passenger air transportation;	4715 4716
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4717 4718 4719
(18) Applying to the judicial branch of state government;	4720
(19) Applying to purchases of liquor for resale by the	4721

division of liquor control;	4722
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4723 4724 4725
(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;	4726 4727 4728 4729
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4730 4731 4732
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4733 4734
(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;	4735 4736 4737 4738
(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;	4739 4740 4741
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	4742 4743 4744 4745 4746
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under <del>sections</del> <u>section</u> 5123.18, <del>5123.182, and 5123.199</del> of the Revised Code;	4747 4748 4749
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section	4750 4751



5119.101 of the Revised Code;	4752
(29) Applying to contracts entered into with persons by the	4753
director of commerce for unclaimed funds collection and remittance	4754
efforts as provided in division (F) of section 169.03 of the	4755
Revised Code. The director shall keep an itemized accounting of	4756
unclaimed funds collected by those persons and amounts paid to	4757
them for their services.	4758
(30) Applying to purchases made by a state institution of	4759
higher education in accordance with the terms of a contract	4760
between the vendor and an inter-university purchasing group	4761
comprised of purchasing officers of state institutions of higher	4762
education;	4763
(31) Applying to the department of job and family services'	4764
purchases of health assistance services under the children's	4765
health insurance program part I provided for under section 5101.50	4766
of the Revised Code or the children's health insurance program	4767
part II provided for under section 5101.51 of the Revised Code;	4768
(32) Applying to payments by the attorney general from the	4769
reparations fund to hospitals and other emergency medical	4770
facilities for performing medical examinations to collect physical	4771
evidence pursuant to section 2907.28 of the Revised Code;	4772
(33) Applying to contracts with a contracting authority or	4773
administrative receiver under division (B) of section 5126.056 of	4774
the Revised Code;	4775
(34) Applying to reimbursements paid to the United States	4776
department of veterans affairs for pharmaceutical and patient	4777
supply purchases made on behalf of the Ohio veterans' home agency;	4778
(35) Applying to agreements entered into with terminal	4779
distributors of dangerous drugs under section 173.79 of the	4780
Revised Code;	4781

(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.

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

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

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

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

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

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

**Sec. 131.44.** (A) As used in this section:

(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.

(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.

(3) "Required year-end balance" means the sum of the

following:	4811
(a) Five per cent of the general revenue fund revenues for the preceding fiscal year;	4812 4813
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	4814 4815 4816
(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;	4817 4818 4819 4820 4821
(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;	4822 4823 4824 4825
(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.	4826 4827 4828 4829 4830 4831
(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:	4832 4833 4834 4835
(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;	4836 4837 4838 4839
(b) Transfers of appropriation from the first fiscal year to	4840

the second fiscal year of the biennium approved by the controlling board. 4841  
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(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management. 4843  
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(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following: 4846  
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(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal five per cent of the general revenue fund revenues of the preceding fiscal year; 4853  
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(b) Then, to the income tax reduction fund, which is hereby created in the state treasury, an amount equal to the surplus revenue. 4857  
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(2) Not later than the thirty-first day of July each year, the director shall determine the percentage that the balance in the income tax reduction fund is of the amount of revenue that the director estimates will be received from the tax levied under section 5747.02 of the Revised Code in the current fiscal year without regard to any reduction under division (B) of that section. If that percentage exceeds thirty-five one hundredths of one per cent, the director shall certify the percentage to the tax commissioner not later than the thirty-first day of July. 4860  
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(C) The director of budget and management shall transfer money in the income tax reduction fund to the general revenue fund, the local government fund, and the library and local 4869  
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government support fund, ~~and the local government revenue~~ 4872  
~~assistance fund~~ as necessary to offset revenue reductions 4873  
resulting from the reductions in taxes required under division (B) 4874  
of section 5747.02 of the Revised Code in the respective amounts 4875  
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4876  
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 131.51 4877  
of the Revised Code as if the amount transferred had been 4878  
collected as taxes under Chapter 5747. of the Revised Code. If no 4879  
reductions in taxes are made under that division that affect 4880  
revenue received in the current fiscal year, the director shall 4881  
not transfer money from the income tax reduction fund to the 4882  
general revenue fund, the local government fund, and the library 4883  
and local government support fund, ~~and the local government~~ 4884  
~~revenue assistance fund.~~ 4885

Sec. 131.51. (A) Beginning January 2008, on or before the 4886  
fifth day of each month, the director of budget and management 4887  
shall credit to the local government fund three and sixty-eight 4888  
one hundredths per cent of total tax revenue credited to the 4889  
general revenue fund during the preceding month. In determining 4890  
the total tax revenue credited to the general revenue fund during 4891  
the preceding month, the director shall include amounts 4892  
transferred from that fund during the preceding month pursuant to 4893  
divisions (A) and (B) of this section. Money shall be distributed 4894  
from the local government fund as required under section 5747.50 4895  
of the Revised Code during the same month in which it is credited 4896  
to the fund. 4897

(B) Beginning January 2008, on or before the fifth day of 4898  
each month, the director of budget and management shall credit to 4899  
the library and local government support fund, two and twenty-two 4900  
one hundredths per cent of the total tax revenue credited to the 4901  
general revenue fund during the preceding month. In determining 4902  
the total tax revenue credited to the general revenue fund during 4903

the preceding month, the director shall include amounts 4904  
transferred from that fund during the preceding month pursuant to 4905  
divisions (A) and (B) of this section. Money shall be distributed 4906  
from the library and local government support fund as required 4907  
under section 5747.47 of the Revised Code during the same month in 4908  
which it is credited to the fund. 4909

(C) The director of budget and management shall develop a 4910  
schedule identifying the specific tax revenue sources to be used 4911  
to make the monthly transfers required under divisions (A) and (B) 4912  
of this section. The director may, from time to time, revise the 4913  
schedule as the director considers necessary. 4914

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 4915  
and 2151.655 of the Revised Code, in other sections of the Revised 4916  
Code that make reference to this chapter unless the context does 4917  
not permit, and in related proceedings, unless otherwise expressly 4918  
provided: 4919

(A) "Acquisition" as applied to real or personal property 4920  
includes, among other forms of acquisition, acquisition by 4921  
exercise of a purchase option, and acquisition of interests in 4922  
property, including, without limitation, easements and 4923  
rights-of-way, and leasehold and other lease interests initially 4924  
extending or extendable for a period of at least sixty months. 4925

(B) "Anticipatory securities" means securities, including 4926  
notes, issued in anticipation of the issuance of other securities. 4927

(C) "Board of elections" means the county board of elections 4928  
of the county in which the subdivision is located. If the 4929  
subdivision is located in more than one county, "board of 4930  
elections" means the county board of elections of the county that 4931  
contains the largest portion of the population of the subdivision 4932  
or that otherwise has jurisdiction in practice over and 4933  
customarily handles election matters relating to the subdivision. 4934

(D) "Bond retirement fund" means the bond retirement fund 4935  
provided for in section 5705.09 of the Revised Code, and also 4936  
means a sinking fund or any other special fund, regardless of the 4937  
name applied to it, established by or pursuant to law or the 4938  
proceedings for the payment of debt charges. Provision may be made 4939  
in the applicable proceedings for the establishment in a bond 4940  
retirement fund of separate accounts relating to debt charges on 4941  
particular securities, or on securities payable from the same or 4942  
common sources, and for the application of moneys in those 4943  
accounts only to specified debt charges on specified securities or 4944  
categories of securities. Subject to law and any provisions in the 4945  
applicable proceedings, moneys in a bond retirement fund or 4946  
separate account in a bond retirement fund may be transferred to 4947  
other funds and accounts. 4948

(E) "Capitalized interest" means all or a portion of the 4949  
interest payable on securities from their date to a date stated or 4950  
provided for in the applicable legislation, which interest is to 4951  
be paid from the proceeds of the securities. 4952

(F) "Chapter 133. securities" means securities authorized by 4953  
or issued pursuant to or in accordance with this chapter. 4954

(G) "County auditor" means the county auditor of the county 4955  
in which the subdivision is located. If the subdivision is located 4956  
in more than one county, "county auditor" means the county auditor 4957  
of the county that contains the highest amount of the tax 4958  
valuation of the subdivision or that otherwise has jurisdiction in 4959  
practice over and customarily handles property tax matters 4960  
relating to the subdivision. In the case of a county that has 4961  
adopted a charter, "county auditor" means the officer who 4962  
generally has the duties and functions provided in the Revised 4963  
Code for a county auditor. 4964

(H) "Credit enhancement facilities" means letters of credit, 4965  
lines of credit, stand-by, contingent, or firm securities purchase 4966

agreements, insurance, or surety arrangements, guarantees, and 4967  
other arrangements that provide for direct or contingent payment 4968  
of debt charges, for security or additional security in the event 4969  
of nonpayment or default in respect of securities, or for making 4970  
payment of debt charges to and at the option and on demand of 4971  
securities holders or at the option of the issuer or upon certain 4972  
conditions occurring under put or similar arrangements, or for 4973  
otherwise supporting the credit or liquidity of the securities, 4974  
and includes credit, reimbursement, marketing, remarketing, 4975  
indexing, carrying, interest rate hedge, and subrogation 4976  
agreements, and other agreements and arrangements for payment and 4977  
reimbursement of the person providing the credit enhancement 4978  
facility and the security for that payment and reimbursement. 4979

(I) "Current operating expenses" or "current expenses" means 4980  
the lawful expenditures of a subdivision, except those for 4981  
permanent improvements and for payments of debt charges of the 4982  
subdivision. 4983

(J) "Debt charges" means the principal, including any 4984  
mandatory sinking fund deposits and mandatory redemption payments, 4985  
interest, and any redemption premium, payable on securities as 4986  
those payments come due and are payable. The use of "debt charges" 4987  
for this purpose does not imply that any particular securities 4988  
constitute debt within the meaning of the Ohio Constitution or 4989  
other laws. 4990

(K) "Financing costs" means all costs and expenses relating 4991  
to the authorization, including any required election, issuance, 4992  
sale, delivery, authentication, deposit, custody, clearing, 4993  
registration, transfer, exchange, fractionalization, replacement, 4994  
payment, and servicing of securities, including, without 4995  
limitation, costs and expenses for or relating to publication and 4996  
printing, postage, delivery, preliminary and final official 4997  
statements, offering circulars, and informational statements, 4998



travel and transportation, underwriters, placement agents, 4999  
investment bankers, paying agents, registrars, authenticating 5000  
agents, remarketing agents, custodians, clearing agencies or 5001  
corporations, securities depositories, financial advisory 5002  
services, certifications, audits, federal or state regulatory 5003  
agencies, accounting and computation services, legal services and 5004  
obtaining approving legal opinions and other legal opinions, 5005  
credit ratings, redemption premiums, and credit enhancement 5006  
facilities. Financing costs may be paid from any moneys available 5007  
for the purpose, including, unless otherwise provided in the 5008  
proceedings, from the proceeds of the securities to which they 5009  
relate and, as to future financing costs, from the same sources 5010  
from which debt charges on the securities are paid and as though 5011  
debt charges. 5012

(L) "Fiscal officer" means the following, or, in the case of 5013  
absence or vacancy in the office, a deputy or assistant authorized 5014  
by law or charter to act in the place of the named officer, or if 5015  
there is no such authorization then the deputy or assistant 5016  
authorized by legislation to act in the place of the named officer 5017  
for purposes of this chapter, in the case of the following 5018  
subdivisions: 5019

(1) A county, the county auditor; 5020

(2) A municipal corporation, the city auditor or village 5021  
clerk or clerk-treasurer, or the officer who, by virtue of a 5022  
charter, has the duties and functions provided in the Revised Code 5023  
for the city auditor or village clerk or clerk-treasurer; 5024

(3) A school district, the treasurer of the board of 5025  
education; 5026

(4) A regional water and sewer district, the secretary of the 5027  
board of trustees; 5028

(5) A joint township hospital district, the treasurer of the 5029

district;	5030
(6) A joint ambulance district, the clerk of the board of trustees;	5031 5032
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	5033 5034
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	5035 5036 5037 5038 5039
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	5040 5041 5042
(10) A joint fire district, the clerk of the board of trustees of that district;	5043 5044
(11) A regional or county library district, the person responsible for the financial affairs of that district;	5045 5046
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	5047 5048 5049
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	5050 5051 5052
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	5053 5054 5055
(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.	5056 5057 5058
(M) "Fiscal year" has the same meaning as in section 9.34 of	5059

the Revised Code. 5060

(N) "Fractionalized interests in public obligations" means 5061  
participations, certificates of participation, shares, or other 5062  
instruments or agreements, separate from the public obligations 5063  
themselves, evidencing ownership of interests in public 5064  
obligations or of rights to receive payments of, or on account of, 5065  
principal or interest or their equivalents payable by or on behalf 5066  
of an obligor pursuant to public obligations. 5067

(O) "Fully registered securities" means securities in 5068  
certificated or uncertificated form, registered as to both 5069  
principal and interest in the name of the owner. 5070

(P) "Fund" means to provide for the payment of debt charges 5071  
and expenses related to that payment at or prior to retirement by 5072  
purchase, call for redemption, payment at maturity, or otherwise. 5073

(Q) "General obligation" means securities to the payment of 5074  
debt charges on which the full faith and credit and the general 5075  
property taxing power, including taxes within the tax limitation 5076  
if available to the subdivision, of the subdivision are pledged. 5077

(R) "Interest" or "interest equivalent" means those payments 5078  
or portions of payments, however denominated, that constitute or 5079  
represent consideration for forbearing the collection of money, or 5080  
for deferring the receipt of payment of money to a future time. 5081

(S) "Internal Revenue Code" means the "Internal Revenue Code 5082  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 5083  
includes any laws of the United States providing for application 5084  
of that code. 5085

(T) "Issuer" means any public issuer and any nonprofit 5086  
corporation authorized to issue securities for or on behalf of any 5087  
public issuer. 5088

(U) "Legislation" means an ordinance or resolution passed by 5089

a majority affirmative vote of the then members of the taxing 5090  
authority unless a different vote is required by charter 5091  
provisions governing the passage of the particular legislation by 5092  
the taxing authority. 5093

(V) "Mandatory sinking fund redemption requirements" means 5094  
amounts required by proceedings to be deposited in a bond 5095  
retirement fund for the purpose of paying in any year or fiscal 5096  
year by mandatory redemption prior to stated maturity the 5097  
principal of securities that is due and payable, except for 5098  
mandatory prior redemption requirements as provided in those 5099  
proceedings, in a subsequent year or fiscal year. 5100

(W) "Mandatory sinking fund requirements" means amounts 5101  
required by proceedings to be deposited in a year or fiscal year 5102  
in a bond retirement fund for the purpose of paying the principal 5103  
of securities that is due and payable in a subsequent year or 5104  
fiscal year. 5105

(X) "Net indebtedness" has the same meaning as in division 5106  
(A) of section 133.04 of the Revised Code. 5107

(Y) "Obligor," in the case of securities or fractionalized 5108  
interests in public obligations issued by another person the debt 5109  
charges or their equivalents on which are payable from payments 5110  
made by a public issuer, means that public issuer. 5111

(Z) "One purpose" relating to permanent improvements means 5112  
any one permanent improvement or group or category of permanent 5113  
improvements for the same utility, enterprise, system, or project, 5114  
development or redevelopment project, or for or devoted to the 5115  
same general purpose, function, or use or for which 5116  
self-supporting securities, based on the same or different sources 5117  
of revenues, may be issued or for which special assessments may be 5118  
levied by a single ordinance or resolution. "One purpose" 5119  
includes, but is not limited to, in any case any off-street 5120

parking facilities relating to another permanent improvement, and:	5121
(1) Any number of roads, highways, streets, bridges,	5122
sidewalks, and viaducts;	5123
(2) Any number of off-street parking facilities;	5124
(3) In the case of a county, any number of permanent	5125
improvements for courthouse, jail, county offices, and other	5126
county buildings, and related facilities;	5127
(4) In the case of a school district, any number of	5128
facilities and buildings for school district purposes, and related	5129
facilities.	5130
(AA) "Outstanding," referring to securities, means securities	5131
that have been issued, delivered, and paid for, except any of the	5132
following:	5133
(1) Securities canceled upon surrender, exchange, or	5134
transfer, or upon payment or redemption;	5135
(2) Securities in replacement of which or in exchange for	5136
which other securities have been issued;	5137
(3) Securities for the payment, or redemption or purchase for	5138
cancellation prior to maturity, of which sufficient moneys or	5139
investments, in accordance with the applicable legislation or	5140
other proceedings or any applicable law, by mandatory sinking fund	5141
redemption requirements, mandatory sinking fund requirements, or	5142
otherwise, have been deposited, and credited for the purpose in a	5143
bond retirement fund or with a trustee or paying or escrow agent,	5144
whether at or prior to their maturity or redemption, and, in the	5145
case of securities to be redeemed prior to their stated maturity,	5146
notice of redemption has been given or satisfactory arrangements	5147
have been made for giving notice of that redemption, or waiver of	5148
that notice by or on behalf of the affected security holders has	5149
been filed with the subdivision or its agent for the purpose.	5150

(BB) "Paying agent" means the one or more banks, trust 5151  
companies, or other financial institutions or qualified persons, 5152  
including an appropriate office or officer of the subdivision, 5153  
designated as a paying agent or place of payment of debt charges 5154  
on the particular securities. 5155

(CC) "Permanent improvement" or "improvement" means any 5156  
property, asset, or improvement certified by the fiscal officer, 5157  
which certification is conclusive, as having an estimated life or 5158  
period of usefulness of five years or more, and includes, but is 5159  
not limited to, real estate, buildings, and personal property and 5160  
interests in real estate, buildings, and personal property, 5161  
equipment, furnishings, and site improvements, and reconstruction, 5162  
rehabilitation, renovation, installation, improvement, 5163  
enlargement, and extension of property, assets, or improvements so 5164  
certified as having an estimated life or period of usefulness of 5165  
five years or more. The acquisition of all the stock ownership of 5166  
a corporation is the acquisition of a permanent improvement to the 5167  
extent that the value of that stock is represented by permanent 5168  
improvements. A permanent improvement for parking, highway, road, 5169  
and street purposes includes resurfacing, but does not include 5170  
ordinary repair. 5171

(DD) "Person" has the same meaning as in section 1.59 of the 5172  
Revised Code and also includes any federal, state, interstate, 5173  
regional, or local governmental agency, any subdivision, and any 5174  
combination of those persons. 5175

(EE) "Proceedings" means the legislation, certifications, 5176  
notices, orders, sale proceedings, trust agreement or indenture, 5177  
mortgage, lease, lease-purchase agreement, assignment, credit 5178  
enhancement facility agreements, and other agreements, 5179  
instruments, and documents, as amended and supplemented, and any 5180  
election proceedings, authorizing, or providing for the terms and 5181  
conditions applicable to, or providing for the security or sale or 5182

award of, public obligations, and includes the provisions set 5183  
forth or incorporated in those public obligations and proceedings. 5184

(FF) "Public issuer" means any of the following that is 5185  
authorized by law to issue securities or enter into public 5186  
obligations: 5187

(1) The state, including an agency, commission, officer, 5188  
institution, board, authority, or other instrumentality of the 5189  
state; 5190

(2) A taxing authority, subdivision, district, or other local 5191  
public or governmental entity, and any combination or consortium, 5192  
or public division, district, commission, authority, department, 5193  
board, officer, or institution, thereof; 5194

(3) Any other body corporate and politic, or other public 5195  
entity. 5196

(GG) "Public obligations" means both of the following: 5197

(1) Securities; 5198

(2) Obligations of a public issuer to make payments under 5199  
installment sale, lease, lease purchase, or similar agreements, 5200  
which obligations bear interest or interest equivalent. 5201

(HH) "Refund" means to fund and retire outstanding 5202  
securities, including advance refunding with or without payment or 5203  
redemption prior to maturity. 5204

(II) "Register" means the books kept and maintained by the 5205  
registrar for registration, exchange, and transfer of registered 5206  
securities. 5207

(JJ) "Registrar" means the person responsible for keeping the 5208  
register for the particular registered securities, designated by 5209  
or pursuant to the proceedings. 5210

(KK) "Securities" means bonds, notes, certificates of 5211  
indebtedness, commercial paper, and other instruments in writing, 5212

including, unless the context does not admit, anticipatory 5213  
securities, issued by an issuer to evidence its obligation to 5214  
repay money borrowed, or to pay interest, by, or to pay at any 5215  
future time other money obligations of, the issuer of the 5216  
securities, but not including public obligations described in 5217  
division (GG)(2) of this section. 5218

(LL) "Self-supporting securities" means securities or 5219  
portions of securities issued for the purpose of paying costs of 5220  
permanent improvements to the extent that receipts of the 5221  
subdivision, other than the proceeds of taxes levied by that 5222  
subdivision, derived from or with respect to the improvements or 5223  
the operation of the improvements being financed, or the 5224  
enterprise, system, project, or category of improvements of which 5225  
the improvements being financed are part, are estimated by the 5226  
fiscal officer to be sufficient to pay the current expenses of 5227  
that operation or of those improvements or enterprise, system, 5228  
project, or categories of improvements and the debt charges 5229  
payable from those receipts on securities issued for the purpose. 5230  
Until such time as the improvements or increases in rates and 5231  
charges have been in operation or effect for a period of at least 5232  
six months, the receipts therefrom, for purposes of this 5233  
definition, shall be those estimated by the fiscal officer, except 5234  
that those receipts may include, without limitation, payments made 5235  
and to be made to the subdivision under leases or agreements in 5236  
effect at the time the estimate is made. In the case of an 5237  
operation, improvements, or enterprise, system, project, or 5238  
category of improvements without at least a six-month history of 5239  
receipts, the estimate of receipts by the fiscal officer, other 5240  
than those to be derived under leases and agreements then in 5241  
effect, shall be confirmed by the taxing authority. 5242

(MM) "Subdivision" means any of the following: 5243

(1) A county, including a county that has adopted a charter 5244



under Article X, Ohio Constitution;	5245
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	5246 5247 5248
(3) A school district;	5249
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	5250 5251
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	5252 5253
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	5254 5255
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	5256 5257
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	5258 5259 5260 5261
(9) A township police district organized under section 505.48 of the Revised Code;	5262 5263
(10) A township;	5264
(11) A joint fire district organized under section 505.371 of the Revised Code;	5265 5266
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	5267 5268 5269
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	5270 5271
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	5272 5273

(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	5274 5275
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	5276 5277
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	5278 5279 5280
(NN) "Taxing authority" means in the case of the following subdivisions:	5281 5282
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	5283 5284 5285 5286 5287 5288
(2) A municipal corporation, the legislative authority;	5289
(3) A school district, the board of education;	5290
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	5291 5292 5293 5294
(5) A joint township hospital district, the joint township hospital board;	5295 5296
(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;	5297 5298 5299 5300 5301
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police	5302 5303

district, the board of township trustees; 5304

(8) A joint solid waste management district organized under 5305  
section 343.01 or 343.012 of the Revised Code, the board of 5306  
directors of the district; 5307

(9) A subdivision described in division (MM)(17) of this 5308  
section, the legislative or governing body or official. 5309

(OO) "Tax limitation" means the "ten-mill limitation" as 5310  
defined in section 5705.02 of the Revised Code without diminution 5311  
by reason of section 5705.313 of the Revised Code or otherwise, 5312  
or, in the case of a municipal corporation or county with a 5313  
different charter limitation on property taxes levied to pay debt 5314  
charges on unvoted securities, that charter limitation. Those 5315  
limitations shall be respectively referred to as the "ten-mill 5316  
limitation" and the "charter tax limitation." 5317

(PP) "Tax valuation" means the aggregate of the valuations of 5318  
property subject to ad valorem property taxation by the 5319  
subdivision on the real property, personal property, and public 5320  
utility property tax lists and duplicates most recently certified 5321  
for collection, and shall be calculated without deductions of the 5322  
valuations of otherwise taxable property exempt in whole or in 5323  
part from taxation by reason of exemptions of certain amounts of 5324  
taxable value under division (C) of section 5709.01 ~~or, tax~~ 5325  
reductions under section 323.152 of the Revised Code, or similar 5326  
laws now or in the future in effect. 5327

For purposes of section 133.06 of the Revised Code, "tax 5328  
valuation" shall not include the valuation of tangible personal 5329  
property used in business, telephone or telegraph property, 5330  
interexchange telecommunications company property, or personal 5331  
property owned or leased by a railroad company and used in 5332  
railroad operations listed under or described in section 5711.22, 5333  
division (B) or (F) of section 5727.111, or section 5727.12 of the 5334

Revised Code.	5335
(QQ) "Year" means the calendar year.	5336
(RR) "Administrative agent," "agent," "commercial paper,"	5337
"floating rate interest structure," "indexing agent," "interest	5338
rate hedge," "interest rate period," "put arrangement," and	5339
"remarketing agent" have the same meanings as in section 9.98 of	5340
the Revised Code.	5341
(SS) "Sales tax supported" means obligations to the payment	5342
of debt charges on which an additional sales tax or additional	5343
sales taxes have been pledged by the taxing authority of a county	5344
pursuant to section 133.081 of the Revised Code.	5345
<b>Sec. 133.081.</b> (A) As used in this section:	5346
(1) "Anticipation notes" means notes issued in anticipation	5347
of the sales tax supported bonds authorized by this section;	5348
(2) "Authorizing proceedings" means the resolution,	5349
legislation, trust agreement, certification, and other agreements,	5350
instruments, and documents, as amended and supplemented,	5351
authorizing, or providing for the security or sale or award of,	5352
sales tax supported bonds, and includes the provisions set forth	5353
or incorporated in those bonds and proceedings;	5354
(3) "County sales tax" means any sales tax levied by the	5355
taxing authority of a county pursuant to section 5739.021 or	5356
5739.026 of the Revised Code, and any tax levied by that taxing	5357
authority upon storage, use, or consumption under section 5741.021	5358
or 5741.023 of the Revised Code. However, "county sales tax" does	5359
not include a sales tax subject to referendum or a sales tax that	5360
was adopted as an emergency measure and is subject to initiative	5361
petition under section 5739.022 of the Revised Code.	5362
(4) "Sales tax supported bonds" means the sales tax supported	5363
bonds authorized by this section, including anticipation notes;	5364

(5) "Refunding bonds" means sales tax supported bonds issued 5365  
to provide for the refunding of the sales tax supported bonds 5366  
referred to in this section as refunded obligations. 5367

(B) The taxing authority of a county which has levied a 5368  
county sales tax for the purpose of providing additional general 5369  
revenues of the county pursuant to Chapter 5739. of the Revised 5370  
Code may anticipate the receipts of such tax and issue sales tax 5371  
supported bonds of the county in the principal amount necessary to 5372  
pay the costs of financing any permanent improvement as defined in 5373  
division (CC) of section 133.01 of the Revised Code, or to refund 5374  
any refunded obligations, provided that the taxing authority 5375  
certifies that the annual debt charges on the sales tax supported 5376  
bonds, or on the sales tax supported bonds being anticipated by 5377  
anticipation notes, do not exceed the estimated annual county 5378  
sales tax receipts. The maximum aggregate amount of sales tax 5379  
supported bonds that may be outstanding at any time in accordance 5380  
with their terms shall not exceed an amount which requires or is 5381  
estimated to require payments from sales tax receipts of debt 5382  
charges on the sales tax supported bonds, or, in the case of 5383  
anticipation notes, projected debt charges on the sales tax 5384  
supported bonds anticipated, in any calendar year in an amount 5385  
exceeding the county sales tax in anticipation of which the bonds 5386  
or anticipation notes are issued as estimated by the fiscal 5387  
officer based on general sales tax receipts averaged for the prior 5388  
two calendar years prior to the year in which the sales tax 5389  
supported bonds are issued, and annualized for any increase in the 5390  
county sales tax which may have been levied in part during such 5391  
period or levied after such period. A taxing authority may at any 5392  
time issue renewal anticipation notes, issue sales tax supported 5393  
bonds to pay renewal anticipation notes, and, if it considers 5394  
refunding expedient, issue refunding sales tax supported bonds 5395  
whether the refunded obligations have or have not matured. The 5396  
refunding sales tax supported bonds shall be sold and the proceeds 5397

needed for such purpose applied in the manner provided in the 5398  
authorizing proceedings of the taxing authority. The maximum 5399  
maturity of sales tax supported bonds shall be calculated by the 5400  
fiscal officer in accordance with section 133.20 of the Revised 5401  
Code, and such calculation shall be filed with the taxing 5402  
authority of the county prior to passage of a bond authorizing 5403  
resolution. If the county sales tax pledged to the payment of the 5404  
sales tax supported bonds has a stated expiration date, the final 5405  
principal maturity date of the sales tax supported bonds shall not 5406  
extend beyond the final year of collection of the county sales tax 5407  
pledged to the payment of the sales tax supported bonds. 5408

(C) Every issue of sales tax supported bonds outstanding in 5409  
accordance with their terms shall be payable out of the sales tax 5410  
receipts received by the county or proceeds of sales tax supported 5411  
bonds, renewal anticipation notes, or refunding sales tax 5412  
supported bonds which may be pledged for such payment in the 5413  
authorizing proceedings. The pledge shall be valid and binding 5414  
from the time the pledge is made, and the county sales tax 5415  
receipts and proceeds so pledged and thereafter received by the 5416  
county shall immediately be subject to the lien of that pledge 5417  
without any physical delivery of the county sales tax receipts or 5418  
proceeds or further act. The lien of any pledge is valid and 5419  
binding as against all parties having claims of any kind in tort, 5420  
contract, or otherwise against the county, whether or not such 5421  
parties have notice of the lien. Neither the resolution nor any 5422  
trust agreement by which a pledge is created or further evidenced 5423  
need be filed or recorded except in the records of the taxing 5424  
authority. 5425

(D) Sales tax supported bonds issued under this section do 5426  
not constitute a general obligation debt, or a pledge of the full 5427  
faith and credit, of the state, the county, or any other political 5428  
subdivision of the state, and the holders or owners of the ~~notes~~ 5429

bonds have no right to have taxes levied by the general assembly 5430  
or property taxes levied by the taxing authority of any political 5431  
subdivision of the state, including the taxing authority of the 5432  
county, for the payment of debt charges. Unless paid from other 5433  
sources, sales tax supported bonds are payable from the sales tax 5434  
receipts pledged for their payment as authorized by this section. 5435  
All sales tax supported bonds shall contain on their face a 5436  
statement to the effect that the sales tax supported bonds, as to 5437  
debt charges, are not debts or obligations of the state and are 5438  
not general obligation debts of any political subdivision of the 5439  
state, but, unless paid from other sources, are payable from the 5440  
sales tax receipts pledged for their payment. The utilization and 5441  
pledge of the sales tax receipts and proceeds of sales tax 5442  
supported bonds, renewal anticipation notes, or refunding sales 5443  
tax supported bonds for the payment of debt charges is determined 5444  
by the general assembly to create a special obligation ~~which is~~ 5445  
~~not a bonded indebtedness subject to Section 11 of Article XII,~~ 5446  
~~Ohio Constitution.~~ 5447

(E) The sales tax supported bonds shall bear such date or 5448  
dates, shall be executed in the manner, and shall mature at such 5449  
time or times, in the case of any anticipation notes not exceeding 5450  
ten years from the date of issue of the original anticipation 5451  
notes and in the case of any sales tax supported bonds or of any 5452  
refunding sales tax supported bonds, not exceeding the maximum 5453  
maturity certified to the taxing authority pursuant to division 5454  
(B) of this section, all as the authorizing proceedings may 5455  
provide. The sales tax supported bonds shall bear interest at such 5456  
rates, or at variable rate or rates changing from time to time, in 5457  
accordance with provisions in the authorizing proceedings, be in 5458  
such denominations and form, either coupon or registered, carry 5459  
such registration privileges, be payable in such medium of payment 5460  
and at such place or places, and be subject to such terms of 5461  
redemption, as the taxing authority may authorize or provide. The 5462

sales tax supported bonds may be sold at public or private sale, 5463  
and at, or at not less than, the price or prices as the taxing 5464  
authority determines. If any officer whose signature or a 5465  
facsimile of whose signature appears on any sales tax supported 5466  
bonds or coupons ceases to be such officer before delivery of the 5467  
sales tax supported bonds or anticipation notes, the signature or 5468  
facsimile shall nevertheless be sufficient for all purposes as if 5469  
that officer had remained in office until delivery of the sales 5470  
tax supported bonds. Whether or not the sales tax supported bonds 5471  
are of such form and character as to be negotiable instruments 5472  
under Title XIII of the Revised Code, the sales tax supported 5473  
bonds shall have all the qualities and incidents of negotiable 5474  
instruments, subject only to any provisions for registration. 5475  
Neither the members of the board of the taxing authority nor any 5476  
person executing the sales tax supported bonds shall be liable 5477  
personally on the sales tax supported bonds or be subject to any 5478  
personal liability or accountability by reason of their issuance. 5479

(F) Notwithstanding any other provision of this section, 5480  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 5481  
(A) of section 133.03 of the Revised Code apply to the sales tax 5482  
supported bonds. Sales tax supported bonds issued under this 5483  
section need not comply with any other law applicable to notes or 5484  
bonds but the authorizing proceedings may provide that divisions 5485  
(B) to (E) of section 133.25 of the Revised Code apply to the 5486  
sales tax supported bonds or anticipation notes. 5487

(G) Any authorized proceedings may contain provisions, 5488  
subject to any agreements with holders as may then exist, which 5489  
shall be a part of the contract with the holders, as to the 5490  
pledging of any or all of the county's anticipated sales tax 5491  
receipts to secure the payment of the sales tax supported bonds; 5492  
the use and disposition of the sales tax receipts of the county; 5493  
the crediting of the proceeds of the sale of sales tax supported 5494



bonds to and among the funds referred to or provided for in the 5495  
authorizing proceedings; limitations on the purpose to which the 5496  
proceeds of the sales tax supported bonds may be applied and the 5497  
pledging of portions of such proceeds to secure the payment of the 5498  
sales tax supported bonds or of anticipation notes; the agreement 5499  
of the county to do all things necessary for the authorization, 5500  
issuance, and sale of those notes anticipated in such amounts as 5501  
may be necessary for the timely payment of debt charges on any 5502  
anticipation notes; limitations on the issuance of additional 5503  
sales tax supported bonds; the terms upon which additional sales 5504  
tax supported bonds may be issued and secured; the refunding of 5505  
refunded obligations; the procedure by which the terms of any 5506  
contract with holders may be amended, and the manner in which any 5507  
required consent to amend may be given; securing any sales tax 5508  
supported bonds by a trust agreement or other agreement; and any 5509  
other matters, of like or different character, that in any way 5510  
affect the security or protection of the sales tax supported bonds 5511  
or anticipation notes. 5512

(H) The taxing authority of a county may not repeal, rescind, 5513  
or reduce any portion of a county sales tax pledged to the payment 5514  
of debt charges on sales tax supported bonds issued by the county 5515  
while such sales tax supported bonds remain outstanding, and no 5516  
portion of a county sales tax pledged to the payment of debt 5517  
charges on sales tax supported bonds shall be subject to repeal or 5518  
reduction by the electorate of the county or by the taxing 5519  
authority of the county while such sales tax supported bonds are 5520  
outstanding. 5521

**Sec. 149.311.** (A) As used in this section: 5522

(1) "Historic building" means a building, including its 5523  
structural components, that is located in this state and that is 5524  
either individually listed on the national register of historic 5525

places under 16 U.S.C. 470a, located in a registered historic 5526  
district, and certified by the state historic preservation officer 5527  
as being of historic significance to the district, or is 5528  
individually listed as a historic landmark designated by a local 5529  
government certified under 16 U.S.C. 470a(c). 5530

(2) "Qualified rehabilitation expenditures" means 5531  
expenditures paid or incurred during the rehabilitation period, 5532  
and before and after that period as determined under 26 U.S.C. 47, 5533  
by an owner of a historic building to rehabilitate the building. 5534  
"Qualified rehabilitation expenditures" includes architectural or 5535  
engineering fees paid or incurred in connection with the 5536  
rehabilitation, and expenses incurred in the preparation of 5537  
nomination forms for listing on the national register of historic 5538  
places. "Qualified rehabilitation expenditures" does not include 5539  
any of the following: 5540

(a) The cost of acquiring, expanding, or enlarging a historic 5541  
building; 5542

(b) Expenditures attributable to work done to facilities 5543  
related to the building, such as parking lots, sidewalks, and 5544  
landscaping; 5545

(c) New building construction costs. 5546

(3) "Owner" of a historic building means a person holding the 5547  
fee simple interest in the building. 5548

(4) "Certificate owner" means the owner of a historic 5549  
building to which a rehabilitation tax credit certificate was 5550  
issued under this section. 5551

(5) "Registered historic district" means a historic district 5552  
listed in the national register of historic places under 16 U.S.C. 5553  
470a, a historic district designated by a local government 5554  
certified under 16 U.S.C. 470a(c), or a local historic district 5555  
certified under 36 C.F.R. 67.8 and 67.9. 5556

(6) "Rehabilitation" means the process of repairing or 5557  
altering a historic building or buildings, making possible an 5558  
efficient use while preserving those portions and features of the 5559  
building and its site and environment that are significant to its 5560  
historic, architectural, and cultural values. 5561

(7) "Rehabilitation period" means one of the following: 5562

(a) If the rehabilitation initially was not planned to be 5563  
completed in stages, a period chosen by the owner not to exceed 5564  
twenty-four months during which rehabilitation occurs; 5565

(b) If the rehabilitation initially was planned to be 5566  
completed in stages, a period chosen by the owner not to exceed 5567  
sixty months during which rehabilitation occurs. 5568

(8) "State historic preservation officer" or "officer" means 5569  
the state historic preservation officer appointed by the governor 5570  
under 16 U.S.C. 470a. 5571

(9) "Application period" means either of the following time 5572  
periods during which an application for a rehabilitation tax 5573  
credit certificate may be filed under this section: 5574

(a) July 1, 2007, through June 30, 2008; 5575

(b) July 1, 2008, through June 30, 2009. 5576

(B) On or after July 1, 2007, but before July 1, 2009, the 5577  
owner of a historic building may apply to the state historic 5578  
preservation officer for a rehabilitation tax credit certificate 5579  
for qualified rehabilitation expenditures paid or incurred after 5580  
~~the effective date of this section~~ April 4, 2007, for 5581  
rehabilitation of a historic building. The form and manner of 5582  
filing such applications shall be prescribed by rule of the 5583  
director of development, and applications expire at the end of 5584  
each application period. Before July 1, 2007, the director, after 5585  
consultation with the tax commissioner and in accordance with 5586

Chapter 119. of the Revised Code, shall adopt rules that establish	5587
all of the following:	5588
(1) Forms and procedures by which applicants may apply for	5589
rehabilitation tax credit certificates;	5590
(2) Criteria for reviewing, evaluating, and approving	5591
applications for certificates within the limitation on the number	5592
of applications that may be approved in an application period	5593
under division (D) of this section, criteria for assuring that the	5594
certificates issued encompass a mixture of high and low qualified	5595
rehabilitation expenditures, and criteria for issuing certificates	5596
under division (C)(3)(b) of this section;	5597
(3) Eligibility requirements for obtaining a certificate	5598
under this section;	5599
(4) The form of rehabilitation tax credit certificates;	5600
(5) Reporting requirements and monitoring procedures;	5601
(6) Any other rules necessary to implement and administer	5602
this section.	5603
(C) The state historic preservation officer shall accept	5604
applications in the order in which they are filed. Within seven	5605
days after an application is filed, the officer shall forward it	5606
to the director of development who shall review the application	5607
and determine whether all of the following criteria are met:	5608
(1) That the building that is the subject of the application	5609
is a historic building and the applicant is the owner of the	5610
building;	5611
(2) That the rehabilitation will satisfy standards prescribed	5612
by the United States secretary of the interior under 16 U.S.C.	5613
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to	5614
that section;	5615
(3) That receiving a rehabilitation tax credit certificate	5616

under this section is a major factor in: 5617

(a) The applicant's decision to rehabilitate the historic 5618  
building; or 5619

(b) To increase the level of investment in such 5620  
rehabilitation. 5621

An applicant shall demonstrate to the satisfaction of the 5622  
state historic preservation officer and director of development 5623  
that the rehabilitation will satisfy the standards described in 5624  
division (C)(2) of this section before the applicant begins the 5625  
physical rehabilitation of the historic building. 5626

(D) If the director of development determines that the 5627  
criteria in divisions (C)(1), (2), and (3) of this section are 5628  
met, the director, in conjunction with the tax commissioner, shall 5629  
conduct a cost and benefit analysis for the historic building that 5630  
is the subject of an application filed under this section to 5631  
determine whether rehabilitation of the historic building, 5632  
including activities during the construction phase of the 5633  
rehabilitation, will result in a net revenue gain in state and 5634  
local taxes ~~once the building is used~~. The director shall not 5635  
approve an application and issue a rehabilitation tax credit 5636  
certificate to an applicant unless the cost and benefit analysis 5637  
of the historic building determines that there will be a net 5638  
revenue gain in state and local taxes once the building is used. A 5639  
rehabilitation tax credit certificate shall not be issued before 5640  
rehabilitation of a historic building is completed. The director 5641  
shall not approve more than one hundred applications in an 5642  
application period. 5643

(E) Issuance of a certificate represents a finding by the 5644  
director of development of the matters described in divisions 5645  
(C)(1), (2), and (3) of this section only; issuance of a 5646  
certificate does not represent a verification or certification by 5647

the director of the amount of qualified rehabilitation 5648  
expenditures for which a tax credit may be claimed under section 5649  
5725.151, 5733.47, or 5747.76 of the Revised Code. The amount of 5650  
qualified rehabilitation expenditures for which a tax credit may 5651  
be claimed is subject to inspection and examination by the tax 5652  
commissioner or employees of the commissioner under section 5653  
5703.19 of the Revised Code and any other applicable law. Upon the 5654  
issuance of a certificate, the director shall certify to the tax 5655  
commissioner, in the form and manner requested by the tax 5656  
commissioner, the name of the applicant, the amount of qualified 5657  
rehabilitation expenditures shown on the certificate, and any 5658  
other information required by the rules adopted under this 5659  
section. 5660

(F)(1) On or before the first day of December in 2007, 2008, 5661  
and 2009, the director of development and tax commissioner jointly 5662  
shall submit to the president of the senate and the speaker of the 5663  
house of representatives a report on the tax credit program 5664  
established under this section and sections 5725.151, 5733.47, and 5665  
5747.76 of the Revised Code. The report shall present an overview 5666  
of the program and shall include information on the number of 5667  
rehabilitation tax credit certificates issued under this section 5668  
during an application period, an update on the status of each 5669  
historic building for which an application was approved under this 5670  
section, the dollar amount of the tax credits granted under 5671  
sections 5725.151, 5733.47, and 5747.76 of the Revised Code, and 5672  
any other information the director and commissioner consider 5673  
relevant to the topics addressed in the report. 5674

(2) On or before December 1, 2010, the director of 5675  
development and tax commissioner jointly shall submit to the 5676  
president of the senate and the speaker of the house of 5677  
representatives a comprehensive report that includes the 5678  
information required by division (F)(1) of this section and a 5679

detailed analysis of the effectiveness of issuing tax credits for 5680  
rehabilitating historic buildings. The report shall be prepared 5681  
with the assistance of an economic research organization jointly 5682  
chosen by the director and commissioner. 5683

**Sec. 151.08.** This section applies to obligations as defined 5684  
in this section. 5685

(A) As used in this section: 5686

(1) "Capital facilities" or "capital improvement projects" 5687  
means the acquisition, construction, reconstruction, improvement, 5688  
planning, and equipping of roads and bridges, waste water 5689  
treatment systems, water supply systems, solid waste disposal 5690  
facilities, flood control systems, and storm water and sanitary 5691  
collection, storage, and treatment facilities, including real 5692  
property, interests in real property, facilities, and equipment 5693  
related or incidental to those facilities. 5694

(2) "Costs of capital facilities" include related direct 5695  
administrative expenses and allocable portions of direct costs of 5696  
the Ohio public works commission and the local subdivision. 5697

(3) "Local subdivision" means any county, municipal 5698  
corporation, township, sanitary district, or regional water and 5699  
sewer district. 5700

(4) "Obligations" means obligations as defined in section 5701  
151.01 of the Revised Code issued to pay costs of capital 5702  
facilities. 5703

(B)(1) The issuing authority shall issue obligations to pay 5704  
costs of financing or assisting in the financing of the capital 5705  
improvement projects of local subdivisions pursuant to Section 2m 5706  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5707  
Code, and this section. Not more than one hundred twenty million 5708  
dollars principal amount of obligations, plus the principal amount 5709

of obligations that in any prior fiscal years could have been, but 5710  
were not, issued within that one-hundred-twenty-million dollar 5711  
fiscal year limit, may be issued in any fiscal year. Not more than 5712  
one billion two hundred million dollars principal amount of 5713  
obligations pursuant to Section 2m of Article VIII, Ohio 5714  
Constitution may be issued for the purposes of this section and 5715  
division (B)(2) of section 164.09 of the Revised Code. 5716

(2) The issuing authority shall issue obligations to pay 5717  
costs of financing or assisting in the financing of the capital 5718  
improvement projects of local subdivisions pursuant to Section 2p 5719  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5720  
Code, and this section. Not more than one hundred twenty million 5721  
dollars in principal amount of such obligations may be issued in 5722  
any of the first five fiscal years of issuance and not more than 5723  
one hundred fifty million dollars in principal amount of such 5724  
obligations may be issued in any of the next five fiscal years, 5725  
plus in each case the principal amount of such obligations that in 5726  
any prior fiscal year could have been but were not issued within 5727  
those fiscal year limits. No obligations shall be issued for the 5728  
purposes of this section pursuant to Section 2p of Article VIII, 5729  
Ohio Constitution, until at least one billion one hundred 5730  
ninety-nine million five hundred thousand dollars aggregate 5731  
principal amount of obligations have been issued pursuant to 5732  
Section 2m of Article VIII, Ohio Constitution. Not more than one 5733  
billion three hundred fifty million dollars principal amount of 5734  
obligations may be issued pursuant to Section 2p of Article VIII, 5735  
Ohio Constitution for the purposes of this section. 5736

(C) Net proceeds of obligations shall be deposited into the 5737  
state capital improvements fund created by section 164.08 of the 5738  
Revised Code. 5739

(D) There is hereby created in the state treasury the "state 5740  
capital improvements bond service fund." All moneys received by 5741



the state and required by the bond proceedings, consistent with 5742  
this section and section 151.01 of the Revised Code, to be 5743  
deposited, transferred, or credited to the bond service fund, and 5744  
all other moneys transferred or allocated to or received for the 5745  
purposes of that fund, shall be deposited and credited to the bond 5746  
service fund, subject to any applicable provisions of the bond 5747  
proceedings but without necessity for any act of appropriation. 5748  
During the period beginning with the date of the first issuance of 5749  
obligations and continuing during the time that any obligations 5750  
are outstanding in accordance with their terms, so long as moneys 5751  
in the bond service fund are insufficient to pay debt service when 5752  
due on those obligations payable from that fund (except the 5753  
principal amounts of bond anticipation notes payable from the 5754  
proceeds of renewal notes or bonds anticipated) and due in the 5755  
particular fiscal year, a sufficient amount of revenues of the 5756  
state is committed and, without necessity for further act of 5757  
appropriation, shall be paid to the bond service fund for the 5758  
purpose of paying that debt service when due. 5759

**Sec. 151.40.** (A) As used in this section: 5760

(1) "Bond proceedings" includes any trust agreements, and any 5761  
amendments or supplements to them, as authorized by this section. 5762

(2) "Costs of revitalization projects" includes related 5763  
direct administrative expenses and allocable portions of the 5764  
direct costs of those projects of the department of development or 5765  
the environmental protection agency. 5766

(3) "Issuing authority" means the treasurer of state. 5767

(4) "Obligations" means obligations as defined in section 5768  
151.01 of the Revised Code issued to pay the costs of projects for 5769  
revitalization purposes as referred to in division (A)(2) of 5770  
Section 2o of Article VIII, Ohio Constitution. 5771

(5) "Pledged liquor profits" means all receipts of the state 5772  
representing the gross profit on the sale of spirituous liquor, as 5773  
referred to in division (B)(4) of section 4301.10 of the Revised 5774  
Code, after paying all costs and expenses of the division of 5775  
liquor control and providing an adequate working capital reserve 5776  
for the division of liquor control as provided in that division, 5777  
but excluding the sum required by the second paragraph of section 5778  
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 5779  
to be paid into the state treasury. 5780

(6) "Pledged receipts" means, as and to the extent provided 5781  
in bond proceedings: 5782

(a) Pledged liquor profits. The pledge of pledged liquor 5783  
profits to obligations is subject to the priority of the pledge of 5784  
those profits to obligations issued and to be issued pursuant to 5785  
Chapter 166. of the Revised Code. 5786

(b) Moneys accruing to the state from the lease, sale, or 5787  
other disposition or use of revitalization projects or from the 5788  
repayment, including any interest, of loans or advances made from 5789  
net proceeds; 5790

(c) Accrued interest received from the sale of obligations; 5791

(d) Income from the investment of the special funds; 5792

(e) Any gifts, grants, donations, or pledges, and receipts 5793  
therefrom, available for the payment of debt service; 5794

(f) Additional or any other specific revenues or receipts 5795  
lawfully available to be pledged, and pledged, pursuant to further 5796  
authorization by the general assembly, to the payment of debt 5797  
service. 5798

(B)(1) The issuing authority shall issue obligations of the 5799  
state to pay costs of revitalization projects pursuant to division 5800  
(B)(2) of Section 2o of Article VIII, Ohio Constitution, section 5801

151.01 of the Revised Code as applicable to this section, and this 5802  
section. The issuing authority, upon the certification to it by 5803  
the clean Ohio council of the amount of moneys needed in and for 5804  
the purposes of the clean Ohio revitalization fund created by 5805  
section 122.658 of the Revised Code, shall issue obligations in 5806  
the amount determined by the issuing authority to be required for 5807  
those purposes. Not more than two hundred million dollars 5808  
principal amount of obligations issued under this section for 5809  
revitalization purposes may be outstanding at any one time. Not 5810  
more than fifty million dollars principal amount of obligations, 5811  
plus the principal amount of obligations that in any prior fiscal 5812  
year could have been, but were not issued within the 5813  
fifty-million-dollar fiscal year limit, may be issued in any 5814  
fiscal year. 5815

(2) The provisions and authorizations in section 151.01 of 5816  
the Revised Code apply to the obligations and the bond proceedings 5817  
except as otherwise provided or provided for in those obligations 5818  
and bond proceedings. 5819

(C) Net proceeds of obligations shall be deposited in the 5820  
clean Ohio revitalization fund created in section 122.658 of the 5821  
Revised Code. 5822

(D) There is hereby created the revitalization projects bond 5823  
service fund, which shall be in the custody of the treasurer of 5824  
state, but shall be separate and apart from and not a part of the 5825  
state treasury. All money received by the state and required by 5826  
the bond proceedings, consistent with section 151.01 of the 5827  
Revised Code and this section, to be deposited, transferred, or 5828  
credited to the bond service fund, and all other money transferred 5829  
or allocated to or received for the purposes of that fund, shall 5830  
be deposited and credited to the bond service fund, subject to any 5831  
applicable provisions of the bond proceedings, but without 5832  
necessity for any act of appropriation. During the period 5833

beginning with the date of the first issuance of obligations and 5834  
continuing during the time that any obligations are outstanding in 5835  
accordance with their terms, so long as moneys in the bond service 5836  
fund are insufficient to pay debt service when due on those 5837  
obligations payable from that fund, except the principal amounts 5838  
of bond anticipation notes payable from the proceeds of renewal 5839  
notes or bonds anticipated, and due in the particular fiscal year, 5840  
a sufficient amount of pledged receipts is committed and, without 5841  
necessity for further act of appropriation, shall be paid to the 5842  
bond service fund for the purpose of paying that debt service when 5843  
due. 5844

(E) The issuing authority may pledge all, or such portion as 5845  
the issuing authority determines, of the pledged receipts to the 5846  
payment of the debt service charges on obligations issued under 5847  
this section, and for the establishment and maintenance of any 5848  
reserves, as provided in the bond proceedings, and make other 5849  
provisions in the bond proceedings with respect to pledged 5850  
receipts as authorized by this section, which provisions are 5851  
controlling notwithstanding any other provisions of law pertaining 5852  
to them. 5853

(F) The issuing authority may covenant in the bond 5854  
proceedings, and such covenants shall be controlling 5855  
notwithstanding any other provision of law, that the state and 5856  
applicable officers and state agencies, including the general 5857  
assembly, so long as any obligations issued under this section are 5858  
outstanding, shall maintain statutory authority for and cause to 5859  
be charged and collected wholesale or retail prices for spirituous 5860  
liquor sold by the state or its agents so that the available 5861  
pledged receipts are sufficient in time and amount to meet debt 5862  
service payable from pledged liquor profits and for the 5863  
establishment and maintenance of any reserves and other 5864  
requirements provided for in the bond proceedings. 5865

(G) Obligations may be further secured, as determined by the 5866  
issuing authority, by a trust agreement between the state and a 5867  
corporate trustee, which may be any trust company or bank having 5868  
~~its principal~~ a place of business within the state. Any trust 5869  
agreement may contain the resolution or order authorizing the 5870  
issuance of the obligations, any provisions that may be contained 5871  
in any bond proceedings, and other provisions that are customary 5872  
or appropriate in an agreement of that type, including, but not 5873  
limited to: 5874

(1) Maintenance of each pledge, trust agreement, or other 5875  
instrument comprising part of the bond proceedings until the state 5876  
has fully paid or provided for the payment of debt service on the 5877  
obligations secured by it; 5878

(2) In the event of default in any payments required to be 5879  
made by the bond proceedings, enforcement of those payments or 5880  
agreements by mandamus, the appointment of a receiver, suit in 5881  
equity, action at law, or any combination of them; 5882

(3) The rights and remedies of the holders or owners of 5883  
obligations and of the trustee and provisions for protecting and 5884  
enforcing them, including limitations on rights of individual 5885  
holders and owners. 5886

(H) The obligations shall not be general obligations of the 5887  
state and the full faith and credit, revenue, and taxing power of 5888  
the state shall not be pledged to the payment of debt service on 5889  
them. The holders or owners of the obligations shall have no right 5890  
to have any moneys obligated or pledged for the payment of debt 5891  
service except as provided in this section and in the applicable 5892  
bond proceedings. The rights of the holders and owners to payment 5893  
of debt service are limited to all or that portion of the pledged 5894  
receipts, and those special funds, pledged to the payment of debt 5895  
service pursuant to the bond proceedings in accordance with this 5896  
section, and each obligation shall bear on its face a statement to 5897

that effect. 5898

**Sec. 156.02.** The director of administrative services may 5899  
contract with ~~an energy services company, contractor, architect,~~ 5900  
~~professional engineer, or other person experienced in the design~~ 5901  
~~and implementation of energy conservation measures~~ the office of 5902  
energy efficiency in the department of development for a report 5903  
containing an analysis and recommendations pertaining to the 5904  
implementation of energy conservation measures that would 5905  
significantly reduce energy consumption and operating costs in any 5906  
buildings owned by the state and, upon request of its board of 5907  
trustees or managing authority, any building owned by an 5908  
institution of higher education as defined in section 3345.12 of 5909  
the Revised Code. The report shall include estimates of all costs 5910  
of such measures, including the costs of design, engineering, 5911  
installation, maintenance, repairs, and debt service, and 5912  
estimates of the amounts by which energy consumption and operating 5913  
costs would be reduced. 5914

**Sec. 164.03.** For the purpose of allocating the funds made 5915  
available to finance public infrastructure capital improvement 5916  
projects of local subdivisions through the issuance of general 5917  
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5918  
2p of Article VIII, Ohio Constitution, the state is divided into 5919  
the following districts: 5920

District one. Cuyahoga county shall constitute district one. 5921

District two. Hamilton county shall constitute district two. 5922

District three. Franklin county shall constitute district 5923  
three. 5924

District four. Montgomery county shall constitute district 5925  
four. 5926

District five. Defiance, Erie, Fulton, Henry, Ottawa, 5927

Paulding, Sandusky, Williams, and Wood counties shall constitute district five.	5928 5929
District six. Mahoning and Trumbull counties shall constitute district six.	5930 5931
District seven. Ashtabula, Geauga, Lake, and Portage counties shall constitute district seven.	5932 5933
District eight. Summit county shall constitute district eight.	5934 5935
District nine. Lorain, Huron, and Medina counties shall constitute district nine.	5936 5937
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5938 5939
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5940 5941 5942
District twelve. Lucas county shall constitute district twelve.	5943 5944
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5945 5946 5947
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5948 5949 5950
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5951 5952 5953
District sixteen. Ashland, Crawford, Hardin, Marion, Richland, Seneca, Wayne, and Wyandot counties shall constitute district sixteen.	5954 5955 5956

District seventeen. Delaware, Fairfield, Knox, Licking, 5957  
Morrow, and Pickaway counties shall constitute district seventeen. 5958

District eighteen. Athens, Belmont, Hocking, Meigs, Monroe, 5959  
Morgan, Muskingum, Noble, Perry, and Washington counties shall 5960  
constitute district eighteen. 5961

District nineteen. Stark county shall constitute district 5962  
nineteen. 5963

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 5964  
151.08 or section 164.09 of the Revised Code, the net proceeds of 5965  
obligations issued and sold by the treasurer of state pursuant to 5966  
section 164.09 of the Revised Code before September 30, 2000, or 5967  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 5968  
the purpose of financing or assisting in the financing of the cost 5969  
of public infrastructure capital improvement projects of local 5970  
subdivisions, as provided for in Section ~~2k~~ 2m, or 2p of 5971  
Article VIII, Ohio Constitution, and this chapter, shall be paid 5972  
into the state capital improvements fund, which is hereby created 5973  
in the state treasury. Investment earnings on moneys in the fund 5974  
shall be credited to the fund. 5975

(B) Each program year the amount of obligations authorized by 5976  
the general assembly in accordance with sections 151.01 and 151.08 5977  
or section 164.09 of the Revised Code, excluding the proceeds of 5978  
refunding or renewal obligations, shall be allocated by the 5979  
director of the Ohio public works commission as follows: 5980

(1) First, twelve million dollars of the amount of 5981  
obligations authorized shall be allocated to provide financial 5982  
assistance to villages and to townships with populations in the 5983  
unincorporated areas of the township of less than five thousand 5984  
persons, for capital improvements in accordance with section 5985  
164.051 and division (D) of section 164.06 of the Revised Code. As 5986  
used in division (B)(1) of this section, "capital improvements" 5987



includes resurfacing and improving roads. 5988

(2) Following the allocation required by division (B)(1) of 5989  
this section, the director may allocate two million five hundred 5990  
thousand dollars of the authorized obligations to provide 5991  
financial assistance to local subdivisions for capital improvement 5992  
projects which in the judgment of the director of the Ohio public 5993  
works commission are necessary for the immediate preservation of 5994  
the health, safety, and welfare of the citizens of the local 5995  
subdivision requesting assistance. 5996

(3) For the second, third, fourth, and fifth years that 5997  
obligations are authorized and are available for allocation under 5998  
this chapter, one million dollars shall be allocated to the sewer 5999  
and water fund created in section 1525.11 of the Revised Code. 6000  
Money from this allocation shall be transferred to that fund when 6001  
needed to support specific payments from that fund. 6002

(4) For program years twelve and fourteen that obligations 6003  
are authorized and available for allocation under this chapter, 6004  
two million dollars each program year shall be allocated to the 6005  
small county capital improvement program for use in providing 6006  
financial assistance under division (F) of section 164.02 of the 6007  
Revised Code. 6008

(5) After the allocation required by division (B)(3) of this 6009  
section is made, the director shall determine the amount of the 6010  
remaining obligations authorized to be issued and sold that each 6011  
county would receive if such amounts were allocated on a per 6012  
capita basis each year. If a county's per capita share for the 6013  
year would be less than three hundred thousand dollars, the 6014  
director shall allocate to the district in which that county is 6015  
located an amount equal to the difference between three hundred 6016  
thousand dollars and the county's per capita share. 6017

(6) After making the allocation required by division (B)(5) 6018

of this section, the director shall allocate the remaining amount 6019  
to each district on a per capita basis. 6020

(C)(1) There is hereby created in the state treasury the 6021  
state capital improvements revolving loan fund, into which shall 6022  
be deposited all repayments of loans made to local subdivisions 6023  
for capital improvements pursuant to this chapter. Investment 6024  
earnings on moneys in the fund shall be credited to the fund. 6025

(2) There may also be deposited in the state capital 6026  
improvements revolving loan fund moneys obtained from federal or 6027  
private grants, or from other sources, which are to be used for 6028  
any of the purposes authorized by this chapter. Such moneys shall 6029  
be allocated each year in accordance with division (B)(6) of this 6030  
section. 6031

(3) Moneys deposited into the state capital improvements 6032  
revolving loan fund shall be used to make loans for the purpose of 6033  
financing or assisting in the financing of the cost of capital 6034  
improvement projects of local subdivisions. 6035

(4) Investment earnings credited to the state capital 6036  
improvements revolving loan fund that exceed the amounts required 6037  
to meet estimated federal arbitrage rebate requirements shall be 6038  
used to pay costs incurred by the public works commission in 6039  
administering this section. Investment earnings credited to the 6040  
state capital improvements revolving loan fund that exceed the 6041  
amounts required to pay for the administrative costs and estimated 6042  
rebate requirements shall be allocated to each district on a per 6043  
capita basis. 6044

(5) Each program year, loan repayments received and on 6045  
deposit in the state capital improvements revolving loan fund 6046  
shall be allocated as follows: 6047

(a) Each district public works integrating committee shall be 6048  
allocated an amount equal to the sum of all loan repayments made 6049

to the state capital improvements revolving loan fund by local 6050  
subdivisions that are part of the district. Moneys not used in a 6051  
program year may be used in the next program year in the same 6052  
manner and for the same purpose as originally allocated. 6053

(b) Loan repayments made pursuant to projects approved under 6054  
division (B)(1) of this section shall be used to make loans in 6055  
accordance with section 164.051 and division (D) of section 164.06 6056  
of the Revised Code. Allocations for this purpose made pursuant to 6057  
division (C)(5) of this section shall be in addition to the 6058  
allocation provided in division (B)(1) of this section. 6059

(c) Loan repayments made pursuant to projects approved under 6060  
division (B)(2) of this section shall be used to make loans in 6061  
accordance with division (B)(2) of this section. Allocations for 6062  
this purpose made pursuant to division (C)(5) of this section 6063  
shall be in addition to the allocation provided in division (B)(2) 6064  
of this section. 6065

(d) Loans made from the state capital improvements revolving 6066  
loan fund shall not be limited in their usage by divisions (E), 6067  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 6068

(D) Investment earnings credited to the state capital 6069  
improvements fund that exceed the amounts required to meet 6070  
estimated federal arbitrage rebate requirements shall be used to 6071  
pay costs incurred by the public works commission in administering 6072  
sections 164.01 to 164.12 of the Revised Code. 6073

(E) The director of the Ohio public works commission shall 6074  
notify the director of budget and management of the amounts 6075  
allocated pursuant to this section and such information shall be 6076  
entered into the state accounting system. The director of budget 6077  
and management shall establish appropriation line items as needed 6078  
to track these allocations. 6079

(F) If the amount of a district's allocation in a program 6080

year exceeds the amount of financial assistance approved for the 6081  
district by the commission for that year, the remaining portion of 6082  
the district's allocation shall be added to the district's 6083  
allocation pursuant to division (B) of this section for the next 6084  
succeeding year for use in the same manner and for the same 6085  
purposes as it was originally allocated, except that any portion 6086  
of a district's allocation which was available for use on new or 6087  
expanded infrastructure pursuant to division (H) of section 164.05 6088  
of the Revised Code shall be available in succeeding years only 6089  
for the repair and replacement of existing infrastructure. 6090

(G) When an allocation based on population is made by the 6091  
director pursuant to division (B) of this section, the director 6092  
shall use the most recent decennial census statistics, and shall 6093  
not make any reallocations based upon a change in a district's 6094  
population. 6095

**Sec. 164.09.** (A) The issuer is authorized to issue and sell, 6096  
as provided in this section and in amounts from time to time 6097  
authorized by the general assembly, general obligations of this 6098  
state for the purpose of financing or assisting in the financing 6099  
of the costs of public infrastructure capital improvements for 6100  
local subdivisions. The full faith and credit, revenues, and 6101  
taxing power of the state are and shall be pledged to the timely 6102  
payment of bond service charges on outstanding obligations, all in 6103  
accordance with Section 2k or 2m of Article VIII, Ohio 6104  
Constitution and sections 164.09 to 164.12 of the Revised Code, 6105  
excluding from that pledge fees, excises, or taxes relating to the 6106  
registration, operation, or use of vehicles on the public 6107  
highways, or to fuels used for propelling those vehicles, and so 6108  
long as such obligations are outstanding there shall be levied and 6109  
collected excises and taxes, excluding those excepted above, in 6110  
amounts sufficient to pay the bond service charges on such 6111  
obligations and costs relating to credit facilities. 6112

(B)(1) The total principal amount of obligations issued 6113  
pursuant to Section 2k of Article VIII, Ohio Constitution shall 6114  
not exceed one billion two hundred million dollars, and not more 6115  
than one hundred twenty million dollars in principal amount of 6116  
obligations may be issued in any calendar year, all determined as 6117  
provided in sections 164.09 to 164.12 of the Revised Code. 6118

(2) The total principal amount of obligations issued for the 6119  
purposes of this section pursuant to Section 2m of Article VIII, 6120  
Ohio Constitution, shall not exceed one billion two hundred 6121  
million dollars. Not more than one hundred twenty million dollars 6122  
in principal amount of such obligations, plus the principal amount 6123  
of such obligations that in any prior fiscal years could have been 6124  
but were not issued within the one-hundred-twenty-million-dollar 6125  
fiscal year limit, may be issued in any fiscal year. No 6126  
obligations shall be issued for the purposes of this section 6127  
pursuant to Section 2m of Article VIII, Ohio Constitution, until 6128  
at least one billion one hundred ninety-nine million five hundred 6129  
thousand dollars aggregate principal amount of obligations have 6130  
been issued pursuant to Section 2k of Article VIII, Ohio 6131  
Constitution. The amounts specified under division (B)(2) of this 6132  
section shall be determined as provided in sections 164.09 to 6133  
164.12 of the Revised Code. 6134

(C) Each issue of obligations shall be authorized by order of 6135  
the issuer. The bond proceedings shall provide for the principal 6136  
amount or maximum principal amount of obligations of an issue, and 6137  
shall provide for or authorize the manner or agency for 6138  
determining the principal maturity or maturities, not exceeding 6139  
the earlier of thirty years from the date of issuance of the 6140  
particular obligations or thirty years from the date the debt 6141  
represented by the particular obligations was originally 6142  
contracted, the interest rate or rates, the date of and the dates 6143  
of payment of interest on the obligations, their denominations, 6144

and the establishment within or without the state of a place or 6145  
places of payment of bond service charges. Sections 9.96 and 9.98 6146  
to 9.983 of the Revised Code are applicable to the obligations. 6147  
The purpose of the obligations may be stated in the bond 6148  
proceedings as "financing or assisting in the financing of local 6149  
subdivisions capital improvement projects." 6150

(D) The proceeds of the obligations, except for any portion 6151  
to be deposited in special funds, or in escrow funds for the 6152  
purpose of refunding outstanding obligations, all as may be 6153  
provided in the bond proceedings, shall be deposited to the state 6154  
capital improvements fund established by section 164.08 of the 6155  
Revised Code. 6156

(E) The issuer may appoint paying agents, bond registrars, 6157  
securities depositories, and transfer agents, and may retain the 6158  
services of financial advisers and accounting experts, and retain 6159  
or contract for the services of marketing, remarketing, indexing, 6160  
and administrative agents, other consultants, and independent 6161  
contractors, including printing services, as are necessary in the 6162  
issuer's judgment to carry out sections 164.01 to 164.12 of the 6163  
Revised Code. Financing costs are payable, as provided in the bond 6164  
proceedings, from the proceeds of the obligations, from special 6165  
funds, or from other moneys available for the purpose. 6166

(F) The bond proceedings, including any trust agreement, may 6167  
contain additional provisions customary or appropriate to the 6168  
financing or to the obligations or to particular obligations, 6169  
including but not limited to: 6170

(1) The redemption of obligations prior to maturity at the 6171  
option of the state or of the holder or upon the occurrence of 6172  
certain conditions at such price or prices and under such terms 6173  
and conditions as are provided in the bond proceedings; 6174

(2) The form of and other terms of the obligations; 6175

(3) The establishment, deposit, investment, and application 6176  
of special funds, and the safeguarding of moneys on hand or on 6177  
deposit, without regard to Chapter 131. or 135. of the Revised 6178  
Code, but subject to any special provisions of this section with 6179  
respect to particular funds or moneys, and provided that any bank 6180  
or trust company that acts as a depository of any moneys in 6181  
special funds may furnish such indemnifying bonds or may pledge 6182  
such securities as required by the issuer; 6183

(4) Any or every provision of the bond proceedings binding 6184  
upon the issuer and such state agency or local subdivision, 6185  
officer, board, commission, authority, agency, department, or 6186  
other person or body as may from time to time have the authority 6187  
under law to take such actions as may be necessary to perform all 6188  
or any part of the duty required by such provision; 6189

(5) The maintenance of each pledge, any trust agreement, or 6190  
other instrument comprising part of the bond proceedings until the 6191  
state has fully paid or provided for the payment of the bond 6192  
service charges on the obligations or met other stated conditions; 6193

(6) In the event of default in any payments required to be 6194  
made by the bond proceedings, or any other agreement of the issuer 6195  
made as a part of a contract under which the obligations were 6196  
issued or secured, the enforcement of such payments or agreements 6197  
by mandamus, suit in equity, action at law, or any combination of 6198  
the foregoing; 6199

(7) The rights and remedies of the holders of obligations and 6200  
of the trustee under any trust agreement, and provisions for 6201  
protecting and enforcing them, including limitations on rights of 6202  
individual holders of obligations; 6203

(8) The replacement of any obligations that become mutilated 6204  
or are destroyed, lost, or stolen; 6205

(9) Provision for the funding, refunding, or advance 6206

refunding or other provision for payment of obligations which will 6207  
then no longer be outstanding for purposes of this section or of 6208  
the bond proceedings; 6209

(10) Any provision that may be made in bond proceedings or a 6210  
trust agreement, including provision for amendment of the bond 6211  
proceedings; 6212

(11) Such other provisions as the issuer determines, 6213  
including limitations, conditions, or qualifications relating to 6214  
any of the foregoing; 6215

(12) Any other or additional agreements with the holders of 6216  
the obligations relating to the obligations or the security for 6217  
the obligations. 6218

(G) The great seal of the state or a facsimile of that seal 6219  
may be affixed to or printed on the obligations. The obligations 6220  
requiring signature by the issuer shall be signed by or bear the 6221  
facsimile signature of the issuer as provided in the bond 6222  
proceedings. Any obligations may be signed by the person who, on 6223  
the date of execution, is the authorized signer although on the 6224  
date of such obligations such person was not the issuer. In case 6225  
the person whose signature or a facsimile of whose signature 6226  
appears on any obligation ceases to be the issuer before delivery 6227  
of the obligation, such signature or facsimile is nevertheless 6228  
valid and sufficient for all purposes as if the person had 6229  
remained the member until such delivery, and in case the seal to 6230  
be affixed to or printed on obligations has been changed after the 6231  
seal has been affixed to or a facsimile of the seal has been 6232  
printed on the obligations, that seal or facsimile seal shall 6233  
continue to be sufficient as to those obligations and obligations 6234  
issued in substitution or exchange therefor. 6235

(H) The obligations are negotiable instruments and securities 6236  
under Chapter 1308. of the Revised Code, subject to the provisions 6237



of the bond proceedings as to registration. Obligations may be 6238  
issued in coupon or in fully registered form, or both, as the 6239  
issuer determines. Provision may be made for the registration of 6240  
any obligations with coupons attached as to principal alone or as 6241  
to both principal and interest, their exchange for obligations so 6242  
registered, and for the conversion or reconversion into 6243  
obligations with coupons attached of any obligations registered as 6244  
to both principal and interest, and for reasonable charges for 6245  
such registration, exchange, conversion, and reconversion. Pending 6246  
preparation of definitive obligations, the issuer may issue 6247  
interim receipts or certificates which shall be exchanged for such 6248  
definitive obligations. 6249

(I) Obligations may be sold at public sale or at private 6250  
sale, and at such price at, above, or below par, as determined by 6251  
the issuer in the bond proceedings. 6252

(J) In the discretion of the issuer, obligations may be 6253  
secured additionally by a trust agreement between the state and a 6254  
corporate trustee which may be any trust company or bank having 6255  
~~its principal~~ a place of business within the state. Any trust 6256  
agreement may contain the order authorizing the issuance of the 6257  
obligations, any provisions that may be contained in the bond 6258  
proceedings, and other provisions that are customary or 6259  
appropriate in an agreement of the type. 6260

(K) Except to the extent that their rights are restricted by 6261  
the bond proceedings, any holder of obligations, or a trustee 6262  
under the bond proceedings, may by any suitable form of legal 6263  
proceedings protect and enforce any rights under the laws of this 6264  
state or granted by the bond proceedings. Such rights include the 6265  
right to compel the performance of all duties of the issuer and 6266  
the state. Each duty of the issuer and the issuer's employees, and 6267  
of each state agency and local public entity and its officers, 6268  
members, or employees, undertaken pursuant to the bond 6269

proceedings, is hereby established as a duty of the issuer, and of 6270  
each such agency, local subdivision, officer, member, or employee 6271  
having authority to perform such duty, specifically enjoined by 6272  
the law and resulting from an office, trust, or station within the 6273  
meaning of section 2731.01 of the Revised Code. The persons who 6274  
are at the time the issuer, or the issuer's employees, are not 6275  
liable in their personal capacities on any obligations or any 6276  
agreements of or with the issuer relating to obligations or under 6277  
the bond proceedings. 6278

(L) Obligations are lawful investments for banks, societies 6279  
for savings, savings and loan associations, deposit guarantee 6280  
associations, trust companies, trustees, fiduciaries, insurance 6281  
companies, including domestic for life and domestic not for life, 6282  
trustees or other officers having charge of sinking and bond 6283  
retirement or other special funds of political subdivisions and 6284  
taxing districts of this state, the commissioners of the sinking 6285  
fund, the administrator of workers' compensation, the state 6286  
teachers retirement system, the public employees retirement 6287  
system, the school employees retirement system, and the Ohio 6288  
police and fire pension fund, notwithstanding any other provisions 6289  
of the Revised Code or rules adopted pursuant thereto by any state 6290  
agency with respect to investments by them, and are also 6291  
acceptable as security for the deposit of public moneys. 6292

(M) Unless otherwise provided in any applicable bond 6293  
proceedings, moneys to the credit of or in the special funds 6294  
established by or pursuant to this section may be invested by or 6295  
on behalf of the issuer only in notes, bonds, or other direct 6296  
obligations of the United States or of any agency or 6297  
instrumentality of the United States, in obligations of this state 6298  
or any political subdivision of this state, in certificates of 6299  
deposit of any national bank located in this state and any bank, 6300  
as defined in section 1101.01 of the Revised Code, subject to 6301

inspection by the superintendent of financial institutions, in the 6302  
Ohio subdivision's fund established pursuant to section 135.45 of 6303  
the Revised Code, in no-front-end-load money market mutual funds 6304  
consisting exclusively of direct obligations of the United States 6305  
or of an agency or instrumentality of the United States, and in 6306  
repurchase agreements, including those issued by any fiduciary, 6307  
secured by direct obligations of the United States or an agency or 6308  
instrumentality of the United States, and in collective investment 6309  
funds established in accordance with section 1111.14 of the 6310  
Revised Code and consisting exclusively of direct obligations of 6311  
the United States or of an agency or instrumentality of the United 6312  
States, notwithstanding division (A)(1)(c) of that section. The 6313  
income from investments shall be credited to such special funds or 6314  
otherwise as the issuer determines in the bond proceedings, and 6315  
the investments may be sold or exchanged at such times as the 6316  
issuer determines or authorizes. 6317

(N) Unless otherwise provided in any applicable bond 6318  
proceedings, moneys to the credit of or in a special fund shall be 6319  
disbursed on the order of the issuer, provided that no such order 6320  
is required for the payment from the bond service fund or other 6321  
special fund when due of bond service charges or required payments 6322  
under credit facilities. 6323

(O) The issuer may covenant in the bond proceedings, and any 6324  
such covenants shall be controlling notwithstanding any other 6325  
provision of law, that the state and the applicable officers and 6326  
agencies of the state, including the general assembly, so long as 6327  
any obligations are outstanding in accordance with their terms, 6328  
shall maintain statutory authority for and cause to be charged and 6329  
collected taxes, excises, and other receipts of the state so that 6330  
the receipts to the bond service fund shall be sufficient in 6331  
amounts to meet bond service charges and for the establishment and 6332  
maintenance of any reserves and other requirements, including 6333

payment of financing costs, provided for in the bond proceedings. 6334

(P) The obligations, and the transfer of, and the interest 6335  
and other income from, including any profit made on the sale, 6336  
transfer, or other disposition of, the obligations shall at all 6337  
times be free from taxation, direct or indirect, within the state. 6338

(Q) Unless a judicial action or proceeding challenging the 6339  
validity of obligations is commenced by personal service on the 6340  
treasurer of state prior to the initial delivery of an issue of 6341  
the obligations, the obligations of that issue and the bond 6342  
proceedings pertaining to that issue are incontestable and those 6343  
obligations shall be conclusively considered to be and to have 6344  
been issued, secured, payable, sold, executed, and delivered, and 6345  
the bond proceedings relating to them taken, in conformity with 6346  
law if all of the following apply to the obligations: 6347

(1) They state that they are issued under the provisions of 6348  
this section and comply on their face with those provisions; 6349

(2) They are issued within the limitations prescribed by this 6350  
section; 6351

(3) Their purchase price has been paid in full; 6352

(4) They state that all the bond proceedings were held in 6353  
compliance with law, which statement creates a conclusive 6354  
presumption that the bond proceedings were held in compliance with 6355  
all laws, including section 121.22 of the Revised Code, where 6356  
applicable, and rules. 6357

(R) This section applies only with respect to obligations 6358  
issued and delivered before September 30, 2000. 6359

**Sec. 166.08.** (A) As used in this chapter: 6360

(1) "Bond proceedings" means the resolution, order, trust 6361  
agreement, indenture, lease, and other agreements, amendments and 6362  
supplements to the foregoing, or any one or more or combination 6363

thereof, authorizing or providing for the terms and conditions 6364  
applicable to, or providing for the security or liquidity of, 6365  
obligations issued pursuant to this section, and the provisions 6366  
contained in such obligations. 6367

(2) "Bond service charges" means principal, including 6368  
mandatory sinking fund requirements for retirement of obligations, 6369  
and interest, and redemption premium, if any, required to be paid 6370  
by the state on obligations. 6371

(3) "Bond service fund" means the applicable fund and 6372  
accounts therein created for and pledged to the payment of bond 6373  
service charges, which may be, or may be part of, the economic 6374  
development bond service fund created by division (S) of this 6375  
section including all moneys and investments, and earnings from 6376  
investments, credited and to be credited thereto. 6377

(4) "Issuing authority" means the treasurer of state, or the 6378  
officer who by law performs the functions of such officer. 6379

(5) "Obligations" means bonds, notes, or other evidence of 6380  
obligation including interest coupons pertaining thereto, issued 6381  
pursuant to this section. 6382

(6) "Pledged receipts" means all receipts of the state 6383  
representing the gross profit on the sale of spirituous liquor, as 6384  
referred to in division (B)(4) of section 4301.10 of the Revised 6385  
Code, after paying all costs and expenses of the division of 6386  
liquor control and providing an adequate working capital reserve 6387  
for the division of liquor control as provided in that division, 6388  
but excluding the sum required by the second paragraph of section 6389  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 6390  
paid into the state treasury; moneys accruing to the state from 6391  
the lease, sale, or other disposition, or use, of project 6392  
facilities, and from the repayment, including interest, of loans 6393  
made from proceeds received from the sale of obligations; accrued 6394

interest received from the sale of obligations; income from the 6395  
investment of the special funds; and any gifts, grants, donations, 6396  
and pledges, and receipts therefrom, available for the payment of 6397  
bond service charges. 6398

(7) "Special funds" or "funds" means, except where the 6399  
context does not permit, the bond service fund, and any other 6400  
funds, including reserve funds, created under the bond 6401  
proceedings, and the economic development bond service fund 6402  
created by division (S) of this section to the extent provided in 6403  
the bond proceedings, including all moneys and investments, and 6404  
earnings from investment, credited and to be credited thereto. 6405

(B) Subject to the limitations provided in section 166.11 of 6406  
the Revised Code, the issuing authority, upon the certification by 6407  
the director of development to the issuing authority of the amount 6408  
of moneys or additional moneys needed in the facilities 6409  
establishment fund, the loan guarantee fund, the innovation Ohio 6410  
loan fund, the innovation Ohio loan guarantee fund, or the 6411  
research and development loan fund for the purpose of paying, or 6412  
making loans for, allowable costs from the facilities 6413  
establishment fund, allowable innovation costs from the innovation 6414  
Ohio loan fund, or allowable costs from the research and 6415  
development loan fund, or needed for capitalized interest, for 6416  
funding reserves, and for paying costs and expenses incurred in 6417  
connection with the issuance, carrying, securing, paying, 6418  
redeeming, or retirement of the obligations or any obligations 6419  
refunded thereby, including payment of costs and expenses relating 6420  
to letters of credit, lines of credit, insurance, put agreements, 6421  
standby purchase agreements, indexing, marketing, remarketing and 6422  
administrative arrangements, interest swap or hedging agreements, 6423  
and any other credit enhancement, liquidity, remarketing, renewal, 6424  
or refunding arrangements, all of which are authorized by this 6425  
section, or providing moneys for the loan guarantee fund or the 6426

innovation Ohio loan guarantee fund, as provided in this chapter 6427  
or needed for the purposes of funds established in accordance with 6428  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 6429  
122.561, 122.57, and 122.80 of the Revised Code which are within 6430  
the authorization of Section 13 of Article VIII, Ohio 6431  
Constitution, shall issue obligations of the state under this 6432  
section in the required amount; provided that such obligations may 6433  
be issued to satisfy the covenants in contracts of guarantee made 6434  
under section 166.06 or 166.15 of the Revised Code, 6435  
notwithstanding limitations otherwise applicable to the issuance 6436  
of obligations under this section. The proceeds of such 6437  
obligations, except for the portion to be deposited in special 6438  
funds, including reserve funds, as may be provided in the bond 6439  
proceedings, shall as provided in the bond proceedings be 6440  
deposited by the director of development to the facilities 6441  
establishment fund, the loan guarantee fund, the innovation Ohio 6442  
loan guarantee fund, the innovation Ohio loan fund, or the 6443  
research and development loan fund. Bond proceedings for project 6444  
financing obligations may provide that the proceeds derived from 6445  
the issuance of such obligations shall be deposited into such fund 6446  
or funds provided for in the bond proceedings and, to the extent 6447  
provided for in the bond proceedings, such proceeds shall be 6448  
deemed to have been deposited into the facilities establishment 6449  
fund and transferred to such fund or funds. The issuing authority 6450  
may appoint trustees, paying agents, and transfer agents and may 6451  
retain the services of financial advisors, accounting experts, and 6452  
attorneys, and retain or contract for the services of marketing, 6453  
remarketing, indexing, and administrative agents, other 6454  
consultants, and independent contractors, including printing 6455  
services, as are necessary in the issuing authority's judgment to 6456  
carry out this section. The costs of such services are allowable 6457  
costs payable from the facilities establishment fund or the 6458  
research and development loan fund or allowable innovation costs 6459

payable from the innovation Ohio loan fund. 6460

(C) The holders or owners of such obligations shall have no 6461  
right to have moneys raised by taxation obligated or pledged, and 6462  
moneys raised by taxation shall not be obligated or pledged, for 6463  
the payment of bond service charges. Such holders or owners shall 6464  
have no rights to payment of bond service charges from any moneys 6465  
accruing to the state from the lease, sale, or other disposition, 6466  
or use, of project facilities, or from payment of the principal of 6467  
or interest on loans made, or fees charged for guarantees made, or 6468  
from any money or property received by the director, treasurer of 6469  
state, or the state under Chapter 122. of the Revised Code, or 6470  
from any other use of the proceeds of the sale of the obligations, 6471  
and no such moneys may be used for the payment of bond service 6472  
charges, except for accrued interest, capitalized interest, and 6473  
reserves funded from proceeds received upon the sale of the 6474  
obligations and except as otherwise expressly provided in the 6475  
applicable bond proceedings pursuant to written directions by the 6476  
director. The right of such holders and owners to payment of bond 6477  
service charges is limited to all or that portion of the pledged 6478  
receipts and those special funds pledged thereto pursuant to the 6479  
bond proceedings in accordance with this section, and each such 6480  
obligation shall bear on its face a statement to that effect. 6481

(D) Obligations shall be authorized by resolution or order of 6482  
the issuing authority and the bond proceedings shall provide for 6483  
the purpose thereof and the principal amount or amounts, and shall 6484  
provide for or authorize the manner or agency for determining the 6485  
principal maturity or maturities, not exceeding twenty-five years 6486  
from the date of issuance, the interest rate or rates or the 6487  
maximum interest rate, the date of the obligations and the dates 6488  
of payment of interest thereon, their denomination, and the 6489  
establishment within or without the state of a place or places of 6490  
payment of bond service charges. Sections 9.98 to 9.983 of the 6491



Revised Code are applicable to obligations issued under this 6492  
section, subject to any applicable limitation under section 166.11 6493  
of the Revised Code. The purpose of such obligations may be stated 6494  
in the bond proceedings in terms describing the general purpose or 6495  
purposes to be served. The bond proceedings also shall provide, 6496  
subject to the provisions of any other applicable bond 6497  
proceedings, for the pledge of all, or such part as the issuing 6498  
authority may determine, of the pledged receipts and the 6499  
applicable special fund or funds to the payment of bond service 6500  
charges, which pledges may be made either prior or subordinate to 6501  
other expenses, claims, or payments, and may be made to secure the 6502  
obligations on a parity with obligations theretofore or thereafter 6503  
issued, if and to the extent provided in the bond proceedings. The 6504  
pledged receipts and special funds so pledged and thereafter 6505  
received by the state are immediately subject to the lien of such 6506  
pledge without any physical delivery thereof or further act, and 6507  
the lien of any such pledges is valid and binding against all 6508  
parties having claims of any kind against the state or any 6509  
governmental agency of the state, irrespective of whether such 6510  
parties have notice thereof, and shall create a perfected security 6511  
interest for all purposes of Chapter 1309. of the Revised Code, 6512  
without the necessity for separation or delivery of funds or for 6513  
the filing or recording of the bond proceedings by which such 6514  
pledge is created or any certificate, statement or other document 6515  
with respect thereto; and the pledge of such pledged receipts and 6516  
special funds is effective and the money therefrom and thereof may 6517  
be applied to the purposes for which pledged without necessity for 6518  
any act of appropriation. Every pledge, and every covenant and 6519  
agreement made with respect thereto, made in the bond proceedings 6520  
may therein be extended to the benefit of the owners and holders 6521  
of obligations authorized by this section, and to any trustee 6522  
therefor, for the further security of the payment of the bond 6523  
service charges. 6524

- (E) The bond proceedings may contain additional provisions as 6525  
to: 6526
- (1) The redemption of obligations prior to maturity at the 6527  
option of the issuing authority at such price or prices and under 6528  
such terms and conditions as are provided in the bond proceedings; 6529
- (2) Other terms of the obligations; 6530
- (3) Limitations on the issuance of additional obligations; 6531
- (4) The terms of any trust agreement or indenture securing 6532  
the obligations or under which the same may be issued; 6533
- (5) The deposit, investment and application of special funds, 6534  
and the safeguarding of moneys on hand or on deposit, without 6535  
regard to Chapter 131. or 135. of the Revised Code, but subject to 6536  
any special provisions of this chapter, with respect to particular 6537  
funds or moneys, provided that any bank or trust company which 6538  
acts as depository of any moneys in the special funds may furnish 6539  
such indemnifying bonds or may pledge such securities as required 6540  
by the issuing authority; 6541
- (6) Any or every provision of the bond proceedings being 6542  
binding upon such officer, board, commission, authority, agency, 6543  
department, or other person or body as may from time to time have 6544  
the authority under law to take such actions as may be necessary 6545  
to perform all or any part of the duty required by such provision; 6546
- (7) Any provision that may be made in a trust agreement or 6547  
indenture; 6548
- (8) Any other or additional agreements with the holders of 6549  
the obligations, or the trustee therefor, relating to the 6550  
obligations or the security therefor, including the assignment of 6551  
mortgages or other security obtained or to be obtained for loans 6552  
under section 122.43, 166.07, or 166.16 of the Revised Code. 6553
- (F) The obligations may have the great seal of the state or a 6554

facsimile thereof affixed thereto or printed thereon. The 6555  
obligations and any coupons pertaining to obligations shall be 6556  
signed or bear the facsimile signature of the issuing authority. 6557  
Any obligations or coupons may be executed by the person who, on 6558  
the date of execution, is the proper issuing authority although on 6559  
the date of such bonds or coupons such person was not the issuing 6560  
authority. If the issuing authority whose signature or a facsimile 6561  
of whose signature appears on any such obligation or coupon ceases 6562  
to be the issuing authority before delivery thereof, such 6563  
signature or facsimile is nevertheless valid and sufficient for 6564  
all purposes as if the former issuing authority had remained the 6565  
issuing authority until such delivery; and if the seal to be 6566  
affixed to obligations has been changed after a facsimile of the 6567  
seal has been imprinted on such obligations, such facsimile seal 6568  
shall continue to be sufficient as to such obligations and 6569  
obligations issued in substitution or exchange therefor. 6570

(G) All obligations are negotiable instruments and securities 6571  
under Chapter 1308. of the Revised Code, subject to the provisions 6572  
of the bond proceedings as to registration. The obligations may be 6573  
issued in coupon or in registered form, or both, as the issuing 6574  
authority determines. Provision may be made for the registration 6575  
of any obligations with coupons attached thereto as to principal 6576  
alone or as to both principal and interest, their exchange for 6577  
obligations so registered, and for the conversion or reconversion 6578  
into obligations with coupons attached thereto of any obligations 6579  
registered as to both principal and interest, and for reasonable 6580  
charges for such registration, exchange, conversion, and 6581  
reconversion. 6582

(H) Obligations may be sold at public sale or at private 6583  
sale, as determined in the bond proceedings. 6584

Obligations issued to provide moneys for the loan guarantee 6585  
fund or the innovation Ohio loan guarantee fund may, as determined 6586

by the issuing authority, be sold at private sale, and without 6587  
publication of a notice of sale. 6588

(I) Pending preparation of definitive obligations, the 6589  
issuing authority may issue interim receipts or certificates which 6590  
shall be exchanged for such definitive obligations. 6591

(J) In the discretion of the issuing authority, obligations 6592  
may be secured additionally by a trust agreement or indenture 6593  
between the issuing authority and a corporate trustee which may be 6594  
any trust company or bank having ~~its principal~~ a place of business 6595  
within the state. Any such agreement or indenture may contain the 6596  
resolution or order authorizing the issuance of the obligations, 6597  
any provisions that may be contained in any bond proceedings, and 6598  
other provisions which are customary or appropriate in an 6599  
agreement or indenture of such type, including, but not limited 6600  
to: 6601

(1) Maintenance of each pledge, trust agreement, indenture, 6602  
or other instrument comprising part of the bond proceedings until 6603  
the state has fully paid the bond service charges on the 6604  
obligations secured thereby, or provision therefor has been made; 6605

(2) In the event of default in any payments required to be 6606  
made by the bond proceedings, or any other agreement of the 6607  
issuing authority made as a part of the contract under which the 6608  
obligations were issued, enforcement of such payments or agreement 6609  
by mandamus, the appointment of a receiver, suit in equity, action 6610  
at law, or any combination of the foregoing; 6611

(3) The rights and remedies of the holders of obligations and 6612  
of the trustee, and provisions for protecting and enforcing them, 6613  
including limitations on rights of individual holders of 6614  
obligations; 6615

(4) The replacement of any obligations that become mutilated 6616  
or are destroyed, lost, or stolen; 6617

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental

agency and its officers, members, or employees, undertaken 6650  
pursuant to the bond proceedings or any agreement or lease, 6651  
lease-purchase agreement, or loan made under authority of this 6652  
chapter, and in every agreement by or with the issuing authority, 6653  
is hereby established as a duty of the issuing authority, and of 6654  
each such officer, member, or employee having authority to perform 6655  
such duty, specifically enjoined by the law resulting from an 6656  
office, trust, or station within the meaning of section 2731.01 of 6657  
the Revised Code. 6658

The person who is at the time the issuing authority, or the 6659  
issuing authority's officers or employees, are not liable in their 6660  
personal capacities on any obligations issued by the issuing 6661  
authority or any agreements of or with the issuing authority. 6662

(L) The issuing authority may authorize and issue obligations 6663  
for the refunding, including funding and retirement, and advance 6664  
refunding with or without payment or redemption prior to maturity, 6665  
of any obligations previously issued by the issuing authority. 6666  
Such obligations may be issued in amounts sufficient for payment 6667  
of the principal amount of the prior obligations, any redemption 6668  
premiums thereon, principal maturities of any such obligations 6669  
maturing prior to the redemption of the remaining obligations on a 6670  
parity therewith, interest accrued or to accrue to the maturity 6671  
dates or dates of redemption of such obligations, and any 6672  
allowable costs including expenses incurred or to be incurred in 6673  
connection with such issuance and such refunding, funding, and 6674  
retirement. Subject to the bond proceedings therefor, the portion 6675  
of proceeds of the sale of obligations issued under this division 6676  
to be applied to bond service charges on the prior obligations 6677  
shall be credited to an appropriate account held by the trustee 6678  
for such prior or new obligations or to the appropriate account in 6679  
the bond service fund for such obligations. Obligations authorized 6680  
under this division shall be deemed to be issued for those 6681

purposes for which such prior obligations were issued and are 6682  
subject to the provisions of this section pertaining to other 6683  
obligations, except as otherwise provided in this section; 6684  
provided that, unless otherwise authorized by the general 6685  
assembly, any limitations imposed by the general assembly pursuant 6686  
to this section with respect to bond service charges applicable to 6687  
the prior obligations shall be applicable to the obligations 6688  
issued under this division to refund, fund, advance refund or 6689  
retire such prior obligations. 6690

(M) The authority to issue obligations under this section 6691  
includes authority to issue obligations in the form of bond 6692  
anticipation notes and to renew the same from time to time by the 6693  
issuance of new notes. The holders of such notes or interest 6694  
coupons pertaining thereto shall have a right to be paid solely 6695  
from the pledged receipts and special funds that may be pledged to 6696  
the payment of the bonds anticipated, or from the proceeds of such 6697  
bonds or renewal notes, or both, as the issuing authority provides 6698  
in the resolution or order authorizing such notes. Such notes may 6699  
be additionally secured by covenants of the issuing authority to 6700  
the effect that the issuing authority and the state will do such 6701  
or all things necessary for the issuance of such bonds or renewal 6702  
notes in appropriate amount, and apply the proceeds thereof to the 6703  
extent necessary, to make full payment of the principal of and 6704  
interest on such notes at the time or times contemplated, as 6705  
provided in such resolution or order. For such purpose, the 6706  
issuing authority may issue bonds or renewal notes in such 6707  
principal amount and upon such terms as may be necessary to 6708  
provide funds to pay when required the principal of and interest 6709  
on such notes, notwithstanding any limitations prescribed by or 6710  
for purposes of this section. Subject to this division, all 6711  
provisions for and references to obligations in this section are 6712  
applicable to notes authorized under this division. 6713

The issuing authority in the bond proceedings authorizing the  
issuance of bond anticipation notes shall set forth for such bonds  
an estimated interest rate and a schedule of principal payments  
for such bonds and the annual maturity dates thereof, and for  
purposes of any limitation on bond service charges prescribed  
under division (A) of section 166.11 of the Revised Code, the  
amount of bond service charges on such bond anticipation notes is  
deemed to be the bond service charges for the bonds anticipated  
thereby as set forth in the bond proceedings applicable to such  
notes, but this provision does not modify any authority in this  
section to pledge receipts and special funds to, and covenant to  
issue bonds to fund, the payment of principal of and interest and  
any premium on such notes.

(N) Obligations issued under this section are lawful  
investments for banks, societies for savings, savings and loan  
associations, deposit guarantee associations, trust companies,  
trustees, fiduciaries, insurance companies, including domestic for  
life and domestic not for life, trustees or other officers having  
charge of sinking and bond retirement or other special funds of  
political subdivisions and taxing districts of this state, the  
commissioners of the sinking fund of the state, the administrator  
of workers' compensation, the state teachers retirement system,  
the public employees retirement system, the school employees  
retirement system, and the Ohio police and fire pension fund,  
notwithstanding any other provisions of the Revised Code or rules  
adopted pursuant thereto by any governmental agency of the state  
with respect to investments by them, and are also acceptable as  
security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond  
proceedings, moneys to the credit of or in the special funds  
established by or pursuant to this section may be invested by or  
on behalf of the issuing authority only in notes, bonds, or other



obligations of the United States, or of any agency or 6746  
instrumentality of the United States, obligations guaranteed as to 6747  
principal and interest by the United States, obligations of this 6748  
state or any political subdivision of this state, and certificates 6749  
of deposit of any national bank located in this state and any 6750  
bank, as defined in section 1101.01 of the Revised Code, subject 6751  
to inspection by the superintendent of banks. If the law or the 6752  
instrument creating a trust pursuant to division (J) of this 6753  
section expressly permits investment in direct obligations of the 6754  
United States or an agency of the United States, unless expressly 6755  
prohibited by the instrument, such moneys also may be invested in 6756  
no-front-end-load money market mutual funds consisting exclusively 6757  
of obligations of the United States or an agency of the United 6758  
States and in repurchase agreements, including those issued by the 6759  
fiduciary itself, secured by obligations of the United States or 6760  
an agency of the United States; and in common trust funds 6761  
established in accordance with section 1111.20 of the Revised Code 6762  
and consisting exclusively of any such securities, notwithstanding 6763  
division (A)(4) of that section. The income from such investments 6764  
shall be credited to such funds as the issuing authority 6765  
determines, and such investments may be sold at such times as the 6766  
issuing authority determines or authorizes. 6767

(P) Provision may be made in the applicable bond proceedings 6768  
for the establishment of separate accounts in the bond service 6769  
fund and for the application of such accounts only to the 6770  
specified bond service charges on obligations pertinent to such 6771  
accounts and bond service fund and for other accounts therein 6772  
within the general purposes of such fund. Unless otherwise 6773  
provided in any applicable bond proceedings, moneys to the credit 6774  
of or in the several special funds established pursuant to this 6775  
section shall be disbursed on the order of the treasurer of state, 6776  
provided that no such order is required for the payment from the 6777  
bond service fund when due of bond service charges on obligations. 6778

(Q) The issuing authority may pledge all, or such portion as 6779  
the issuing authority determines, of the pledged receipts to the 6780  
payment of bond service charges on obligations issued under this 6781  
section, and for the establishment and maintenance of any 6782  
reserves, as provided in the bond proceedings, and make other 6783  
provisions therein with respect to pledged receipts as authorized 6784  
by this chapter, which provisions are controlling notwithstanding 6785  
any other provisions of law pertaining thereto. 6786

(R) The issuing authority may covenant in the bond 6787  
proceedings, and any such covenants are controlling 6788  
notwithstanding any other provision of law, that the state and 6789  
applicable officers and governmental agencies of the state, 6790  
including the general assembly, so long as any obligations are 6791  
outstanding, shall: 6792

(1) Maintain statutory authority for and cause to be charged 6793  
and collected wholesale and retail prices for spirituous liquor 6794  
sold by the state or its agents so that the pledged receipts are 6795  
sufficient in amount to meet bond service charges, and the 6796  
establishment and maintenance of any reserves and other 6797  
requirements provided for in the bond proceedings, and, as 6798  
necessary, to meet covenants contained in contracts of guarantee 6799  
made under section 166.06 of the Revised Code; 6800

(2) Take or permit no action, by statute or otherwise, that 6801  
would impair the exemption from federal income taxation of the 6802  
interest on the obligations. 6803

(S) There is hereby created the economic development bond 6804  
service fund, which shall be in the custody of the treasurer of 6805  
state but shall be separate and apart from and not a part of the 6806  
state treasury. All moneys received by or on account of the 6807  
issuing authority or state agencies and required by the applicable 6808  
bond proceedings, consistent with this section, to be deposited, 6809  
transferred, or credited to a bond service fund or the economic 6810

development bond service fund, and all other moneys transferred or 6811  
allocated to or received for the purposes of the fund, shall be 6812  
deposited and credited to such fund and to any separate accounts 6813  
therein, subject to applicable provisions of the bond proceedings, 6814  
but without necessity for any act of appropriation. During the 6815  
period beginning with the date of the first issuance of 6816  
obligations and continuing during such time as any such 6817  
obligations are outstanding, and so long as moneys in the 6818  
pertinent bond service funds are insufficient to pay all bond 6819  
services charges on such obligations becoming due in each year, a 6820  
sufficient amount of the gross profit on the sale of spirituous 6821  
liquor included in pledged receipts are committed and shall be 6822  
paid to the bond service fund or economic development bond service 6823  
fund in each year for the purpose of paying the bond service 6824  
charges becoming due in that year without necessity for further 6825  
act of appropriation for such purpose and notwithstanding anything 6826  
to the contrary in Chapter 4301. of the Revised Code. The economic 6827  
development bond service fund is a trust fund and is hereby 6828  
pledged to the payment of bond service charges to the extent 6829  
provided in the applicable bond proceedings, and payment thereof 6830  
from such fund shall be made or provided for by the treasurer of 6831  
state in accordance with such bond proceedings without necessity 6832  
for any act of appropriation. 6833

(T) The obligations, the transfer thereof, and the income 6834  
therefrom, including any profit made on the sale thereof, shall at 6835  
all times be free from taxation within the state. 6836

**Sec. 167.04.** (A) The regional council of governments shall 6837  
adopt by-laws, by a majority vote of its members, designating the 6838  
officers of the council and the method of their selection ~~thereof~~, 6839  
creating a governing board that may act for the council as 6840  
provided in ~~such~~ the by-laws, and providing for the conduct of its 6841  
business. 6842

(B) The by-laws of the regional council of governments shall 6843  
provide for the appointment of a fiscal officer, who may hold any 6844  
other office or employment with the council, and who shall 6845  
receive, deposit, invest, and disburse the funds of the council in 6846  
the manner authorized by the by-laws or action by the council. 6847

(C) The by-laws of a regional council of governments the 6848  
members of which include, under sections 167.01 and 167.02 of the 6849  
Revised Code, at least eight counties may include a provision 6850  
authorizing member attendance and voting at council meetings 6851  
either in person or by proxy. 6852

Sec. 167.10. (A) As used in this section and sections 167.101 6853  
to 167.105 of the Revised Code: 6854

(1) "Qualifying council" means a regional council established 6855  
under section 167.01 of the Revised Code to which both of the 6856  
following requirements apply: 6857

(a) The council's membership is composed primarily of city, 6858  
local, and exempted village school districts, or any combination 6859  
of such districts; 6860

(b) The council is an information technology center approved 6861  
under section 3301.075 of the Revised Code. 6862

(2) "Securities" means bonds, notes, or other evidence of 6863  
obligation issued in temporary or permanent form, including 6864  
book-entry securities. 6865

(B) A qualifying council may acquire, construct, and 6866  
otherwise improve real and personal property to be used by or for 6867  
the benefit of the qualifying council or one or more of its 6868  
members. The acquisition, construction, and improvement may be 6869  
financed by cash, installment payments with or without a mortgage, 6870  
lease-purchase agreements, leases with an option to purchase, or 6871  
securities issued pursuant to section 167.101 of the Revised Code. 6872

Sec. 167.101. (A) A qualifying council may issue securities 6873  
only for the purpose described in section 167.10 of the Revised 6874  
Code. The securities may be secured only by the following: 6875

(1) A pledge of and lien on the revenue of the qualifying 6876  
council, or such lesser portion of the revenue as may be 6877  
designated by the qualifying council, whether derived from 6878  
agreements with its members and other persons or from its 6879  
ownership or operation of any property, including available rates, 6880  
charges, rents, interest subsidies, debt charges, grants, or 6881  
payments by federal or state agencies, but excluding funds 6882  
received pursuant to section 3301.075 of the Revised Code; 6883

(2) Covenants of the qualifying council to maintain rentals, 6884  
rates, and charges to produce revenue sufficient to do all of the 6885  
following: 6886

(a) Pay all the current expenses of the property financed 6887  
with the proceeds of the securities; 6888

(b) Pay the debt charges on the securities; 6889

(c) Establish and maintain any contractually required special 6890  
funds relating to the securities or the property acquired, 6891  
constructed, or improved. 6892

(B) The qualifying council may issue securities to fund or 6893  
refund the securities issued pursuant to division (A) of this 6894  
section. The qualifying council also may issue securities in 6895  
anticipation of the proceeds of the securities issued pursuant to 6896  
this section. 6897

Sec. 167.102. Securities issued under section 167.101 of the 6898  
Revised Code are special obligation securities and are not general 6899  
obligations of the state, the issuing qualifying council, the 6900  
members of the issuing qualifying council, or any political 6901  
subdivision of the state. Such securities shall not constitute 6902

debt for which the full faith and credit of the state, the issuing 6903  
qualifying council, the members of the issuing qualifying council, 6904  
or any political subdivision of the state may be pledged. The 6905  
holder or owner of the securities shall have no right to have 6906  
money raised by taxation by the state or any political subdivision 6907  
of the state obligated or pledged, and money so raised shall not 6908  
be obligated or pledged, for the payment of principal or interest 6909  
or premium on such securities, and each security shall bear on its 6910  
face a statement to that effect. Money received by the qualifying 6911  
council pursuant to section 167.06 of the Revised Code shall not 6912  
be considered money raised by taxation. 6913

Sec. 167.103. The officers authorized by a qualifying council 6914  
issuing securities under section 167.101 of the Revised Code shall 6915  
execute the necessary documents to provide for the pledge, 6916  
protection, and disposition of the pledged revenues from which 6917  
debt charges and any special fund deposits are to be paid. Those 6918  
necessary documents include the issued securities, trust 6919  
agreements, leases, and other financing documents. 6920

Sec. 167.104. The maximum maturity of securities issued under 6921  
section 167.101 of the Revised Code shall be governed by section 6922  
133.20 of the Revised Code. 6923

Sec. 167.105. Except for sections 9.98 to 9.983 and 167.10 to 6924  
167.105 of the Revised Code, the securities issued under section 6925  
167.101 of the Revised Code shall not be subject to any other 6926  
provision of the Revised Code governing the issuance of securities 6927  
by the state, its agencies, or any political subdivision of the 6928  
state. 6929

Sec. 173.04. (A) As used in this section, "respite care" 6930  
means short-term, temporary care or supervision provided to a 6931

person who has Alzheimer's disease in the absence of the person 6932  
who normally provides that care or supervision. 6933

(B) ~~The~~ Through the internet web site maintained by the 6934  
department of aging, the director of aging shall ~~develop and~~ 6935  
~~disseminate new training materials or disseminate existing~~ 6936  
Alzheimer's disease training materials for licensed physicians, 6937  
registered nurses, licensed practical nurses, administrators of 6938  
health care programs, social workers, and other health care and 6939  
social service personnel who participate or assist in the care or 6940  
treatment of persons who have Alzheimer's disease. The training 6941  
materials disseminated through the web site may be developed by 6942  
the director or obtained from other sources. 6943

(C) To the extent funds are available, the director shall 6944  
administer respite care programs and other supportive services for 6945  
persons who have Alzheimer's disease and their families or care 6946  
givers. Respite care programs shall be approved by the director 6947  
and shall be provided for the following purposes: 6948

(1) Giving persons who normally provide care or supervision 6949  
for a person who has Alzheimer's disease relief from the stresses 6950  
and responsibilities that result from providing such care; 6951

(2) Preventing or reducing inappropriate institutional care 6952  
and enabling persons who have Alzheimer's disease to remain at 6953  
home as long as possible. 6954

(D) The director may provide services under this section to 6955  
persons with Alzheimer's disease and their families regardless of 6956  
the age of the persons with Alzheimer's disease. 6957

(E) The director shall adopt rules in accordance with Chapter 6958  
119. of the Revised Code governing respite care programs and other 6959  
supportive services, the distribution of funds, and the purpose 6960  
for which funds may be utilized under this section. 6961

(F) The director may create an Alzheimer's disease and 6962

related disorders task force to advise the director on the 6963  
following: 6964

(1) The rights of persons with Alzheimer's disease ~~and on the~~ 6965  
and related disorders; 6966

(2) The development and evaluation of education and training 6967  
programs, home care programs, and respite care programs, ~~and~~ 6968  
~~long-term care initiatives as they relate to~~ that serve persons 6969  
with Alzheimer's disease and related disorders; 6970

(3) How to serve persons with Alzheimer's disease and related 6971  
disorders in Ohio's unified long-term care budget system. ~~If~~ 6972

If a task force is created, the members shall include 6973  
representatives of the Alzheimer's disease association and other 6974  
organizations the director considers appropriate. 6975

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6976  
administrative agency" means an entity under contract with the 6977  
department of aging to provide administrative services regarding 6978  
the PASSPORT program created under section 173.40 of the Revised 6979  
Code. 6980

(B) The department of aging shall administer the residential 6981  
state supplement program under which the state supplements the 6982  
supplemental security income payments received by aged, blind, or 6983  
disabled adults under Title XVI of the "Social Security Act," 49 6984  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6985  
supplement payments shall be used for the provision of 6986  
accommodations, supervision, and personal care services to 6987  
supplemental security income recipients who the department 6988  
determines are at risk of needing institutional care. 6989

(C) For an individual to be eligible for residential state 6990  
supplement payments, all of the following must be the case: 6991

(1) Except as provided by division (G) of this section, the 6992



individual must reside in one of the following: 6993

(a) An adult foster home certified under section 173.36 of 6994  
the Revised Code; 6995

(b) A home or facility, other than a nursing home or nursing 6996  
home unit of a home for the aging, licensed by the department of 6997  
health under Chapter 3721. or 3722. of the Revised Code and 6998  
certified in accordance with standards established by the director 6999  
of aging under division (D)(2) of this section; 7000

(c) A community alternative home licensed under section 7001  
3724.03 of the Revised Code and certified in accordance with 7002  
standards established by the director of aging under division 7003  
(D)(2) of this section; 7004

(d) A residential facility as defined in division 7005  
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 7006  
the department of mental health and certified in accordance with 7007  
standards established by the director of aging under division 7008  
(D)(2) of this section; 7009

(e) An apartment or room used to provide community mental 7010  
health housing services certified by the department of mental 7011  
health under section 5119.611 of the Revised Code and approved by 7012  
a board of alcohol, drug addiction, and mental health services 7013  
under division (A)(14) of section 340.03 of the Revised Code and 7014  
certified in accordance with standards established by the director 7015  
of aging under division (D)(2) of this section. 7016

(2) Effective July 1, 2000, a PASSPORT administrative agency 7017  
must have determined that the environment in which the individual 7018  
will be living while receiving the payments is appropriate for the 7019  
individual's needs. If the individual is eligible for supplemental 7020  
security income payments or social security disability insurance 7021  
benefits because of a mental disability, the PASSPORT 7022  
administrative agency shall refer the individual to a community 7023

mental health agency for the community mental health agency to 7024  
issue in accordance with section 340.091 of the Revised Code a 7025  
recommendation on whether the PASSPORT administrative agency 7026  
should determine that the environment in which the individual will 7027  
be living while receiving the payments is appropriate for the 7028  
individual's needs. Division (C)(2) of this section does not apply 7029  
to an individual receiving residential state supplement payments 7030  
on June 30, 2000, until the individual's first eligibility 7031  
redetermination after that date. 7032

(3) The individual satisfies all eligibility requirements 7033  
established by rules adopted under division (D) of this section. 7034

(D)(1) The directors of aging and job and family services 7035  
shall adopt rules in accordance with section 111.15 of the Revised 7036  
Code as necessary to implement the residential state supplement 7037  
program. 7038

To the extent permitted by Title XVI of the "Social Security 7039  
Act," and any other provision of federal law, the director of job 7040  
and family services shall adopt rules establishing standards for 7041  
adjusting the eligibility requirements concerning the level of 7042  
impairment a person must have so that the amount appropriated for 7043  
the program by the general assembly is adequate for the number of 7044  
eligible individuals. The rules shall not limit the eligibility of 7045  
disabled persons solely on a basis classifying disabilities as 7046  
physical or mental. The director of job and family services also 7047  
shall adopt rules that establish eligibility standards for aged, 7048  
blind, or disabled individuals who reside in one of the homes or 7049  
facilities specified in division (C)(1) of this section but who, 7050  
because of their income, do not receive supplemental security 7051  
income payments. The rules may provide that these individuals may 7052  
include individuals who receive other types of benefits, 7053  
including, social security disability insurance benefits provided 7054  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7055

42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual 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.~~

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.

(G) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

(H) The department of aging shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided by the department of job and family services in accordance with section 5101.35 of the Revised Code.

**Sec. 173.351.** (A) As used in this section:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of

the Revised Code. 7117

"Long-term care consultation program administrator" or 7118  
"administrator" means the department of aging or, if the 7119  
department contracts with an area agency on aging or other entity 7120  
to administer the long-term care consultation program for a 7121  
particular area, that agency or entity. 7122

"Nursing facility" has the same meaning as in section 5111.20 7123  
of the Revised Code. 7124

"Residential state supplement program" means the program 7125  
administered pursuant to section 173.35 of the Revised Code. 7126

(B) Each month, each area agency on aging shall determine 7127  
whether individuals who reside in the area that the area agency on 7128  
aging serves and are on a waiting list for the residential state 7129  
supplement program have been admitted to a nursing facility. If an 7130  
area agency on aging determines that such an individual has been 7131  
admitted to a nursing facility, the agency shall notify the 7132  
long-term care consultation program administrator serving the area 7133  
in which the individual resides about the determination. The 7134  
administrator shall determine whether the residential state 7135  
supplement program is appropriate for the individual and whether 7136  
the individual would rather participate in the program than 7137  
continue residing in the nursing facility. If the administrator 7138  
determines that the residential state supplement program is 7139  
appropriate for the individual and the individual would rather 7140  
participate in the program than continue residing in the nursing 7141  
facility, the administrator shall so notify the department of 7142  
aging. On receipt of the notice from the administrator, the 7143  
department of aging shall approve the individual's enrollment in 7144  
the residential state supplement program regardless of the 7145  
program's waiting list and even though the enrollment causes 7146  
enrollment in the program to exceed the limit that would otherwise 7147  
apply. Each quarter, the department of aging shall certify to the 7148

director of budget and management the estimated increase in costs 7149  
of the residential state supplement program resulting from 7150  
enrollment of individuals in the program pursuant to this section. 7151

(C) Not later than the last day of each calendar year, the 7152  
director of aging shall submit to the general assembly a report 7153  
regarding the number of individuals enrolled in the residential 7154  
state supplement program pursuant to this section and the costs 7155  
incurred and savings achieved as a result of the enrollments. 7156

**Sec. 173.401.** (A) As used in this section: 7157

"Area agency on aging" has the same meaning as in section 7158  
173.14 of the Revised Code. 7159

"Long-term care consultation program" means the program the 7160  
department of aging is required to develop under section 173.42 of 7161  
the Revised Code. 7162

"Long-term care consultation program administrator" or 7163  
"administrator" means the department of aging or, if the 7164  
department contracts with an area agency on aging or other entity 7165  
to administer the long-term care consultation program for a 7166  
particular area, that agency or entity. 7167

"Nursing facility" has the same meaning as in section 5111.20 7168  
of the Revised Code. 7169

"PASSPORT program" means the program created under section 7170  
173.40 of the Revised Code. 7171

"PASSPORT waiver" means the federal medicaid waiver granted 7172  
by the United States secretary of health and human services that 7173  
authorizes the PASSPORT program. 7174

(B) The director of job and family services shall submit to 7175  
the United States secretary of health and human services an 7176  
amendment to the PASSPORT waiver that authorizes additional 7177  
enrollments in the PASSPORT program pursuant to this section. 7178

Beginning with the month following the month in which the United States secretary approves the amendment and each month thereafter, 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 PASSPORT 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 PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue residing in the nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department of aging shall approve the individual's enrollment in the PASSPORT program regardless of the PASSPORT 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 PASSPORT program resulting from enrollment of individuals in the PASSPORT program pursuant to this section.

(C) Not later than the last day of each calendar year, the director of job and family services shall submit to the general assembly a report regarding the number of individuals enrolled in the PASSPORT program pursuant to this section and the costs incurred and savings achieved as a result of the enrollments.

**Sec. 173.85.** (A) The Ohio's best Rx program fund is hereby

created. ~~The fund shall be in the custody of the treasurer of~~ 7211  
~~state, but shall not be part of the state treasury.~~ The fund shall 7212  
consist of the following: 7213

(1) Manufacturer payments made by participating manufacturers 7214  
pursuant to agreements entered into under section 173.81 of the 7215  
Revised Code; 7216

(2) Administrative fees, if an administrative fee is 7217  
determined by the department of aging in rules adopted under 7218  
section 173.83 of the Revised Code; 7219

(3) Any amounts donated to the fund and accepted by the 7220  
department; 7221

(4) The fund's investment earnings. 7222

(B) Money in the Ohio's best Rx program fund shall be used to 7223  
make payments under section 173.801 of the Revised Code and to 7224  
make transfers to the Ohio's best Rx administration fund in 7225  
accordance with section 173.86 of the Revised Code. 7226

**Sec. 173.86.** (A) The Ohio's best Rx administration fund is 7227  
hereby created in the state treasury. The ~~treasurer of state~~ 7228  
director of budget and management shall transfer from the Ohio's 7229  
best Rx program fund to the Ohio's best Rx administration fund 7230  
amounts equal to the following: 7231

(1) Amounts resulting from application of the program 7232  
administration percentage, if a program administration percentage 7233  
is determined by the department of aging in rules adopted under 7234  
section 173.83 of the Revised Code; 7235

(2) The amount of the administrative fees charged Ohio's best 7236  
Rx participants, if an administrative fee is determined by the 7237  
department of aging in rules adopted under section 173.83 of the 7238  
Revised Code; 7239

(3) The amount of any donations credited to the Ohio's best 7240



Rx program fund; 7241

(4) The amount of investment earnings credited to the Ohio's 7242  
best Rx program fund. 7243

The ~~treasurer of state~~ director of budget and management 7244  
shall make the transfers in accordance with a schedule developed 7245  
by the ~~treasurer of state~~ director and the department of aging. 7246

(B) The department of aging shall use money in the Ohio's 7247  
best Rx administration fund to pay the administrative costs of the 7248  
Ohio's best Rx program, including, but not limited to, costs 7249  
associated with contracted services, staff, outreach activities, 7250  
computers and network services, and the Ohio's best Rx program 7251  
council. If the fund includes an amount that exceeds the amount 7252  
necessary to pay the administrative costs of the program, the 7253  
department may use the excess amount to pay the cost of subsidies 7254  
provided to Ohio's best Rx program participants under any subsidy 7255  
program established pursuant to section 173.861 of the Revised 7256  
Code. 7257

**Sec. 174.03.** (A) The department of development and the Ohio 7258  
housing finance agency shall each develop programs under which, in 7259  
accordance with rules adopted under this section, they may make 7260  
grants, loans, loan guarantees, and loan subsidies to counties, 7261  
municipal corporations, townships, local housing authorities, and 7262  
nonprofit organizations and may make loans, loan guarantees, and 7263  
loan subsidies to private developers and private lenders to assist 7264  
in activities that provide housing and housing assistance for 7265  
specifically targeted low- and moderate-income families and 7266  
individuals. There is no minimum housing project size for awards 7267  
under this division for any project that is developed for a 7268  
special needs population and that is supported by a social service 7269  
agency where the housing project is located. Activities for which 7270  
grants, loans, loan guarantees, and loan subsidies may be made 7271

under this section include all of the following: 7272

(1) Acquiring, financing, constructing, leasing, 7273  
rehabilitating, remodeling, improving, and equipping publicly or 7274  
privately owned housing; 7275

(2) Providing supportive services related to housing and the 7276  
homeless, including housing counseling. Not more than twenty per 7277  
cent of the current year appropriation authority for the low- and 7278  
moderate-income housing trust fund that remains after the award of 7279  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7280  
section 174.02 of the Revised Code, shall be awarded in any fiscal 7281  
year for supportive services. 7282

(3) Providing rental assistance payments or other project 7283  
operating subsidies that lower tenant rents. 7284

(B) Activities listed under division (A) of this section may 7285  
include emergency shelter care programs for unaccompanied youth 7286  
seventeen years of age and younger. 7287

(C) Grants, loans, loan guarantees, and loan subsidies may be 7288  
made to counties, municipal corporations, townships, and nonprofit 7289  
organizations for the additional purposes of providing technical 7290  
assistance, design and finance services and consultation, and 7291  
payment of pre-development and administrative costs related to any 7292  
of the activities listed above. 7293

~~(C)~~(D) In developing programs under this section, the 7294  
department and the agency shall invite, accept, and consider 7295  
public comment, and recommendations from the housing trust fund 7296  
advisory committee created under section 174.06 of the Revised 7297  
Code, on how the programs should be designed to most effectively 7298  
benefit low- and moderate-income families and individuals. The 7299  
programs developed under this section shall respond collectively 7300  
to housing and housing assistance needs of low- and 7301  
moderate-income families and individuals statewide. 7302

~~(D)~~(E) The department and the agency, in accordance with 7303  
Chapter 119. of the Revised Code, shall each adopt rules to 7304  
administer programs developed under this section. The rules shall 7305  
prescribe procedures and forms that counties, municipal 7306  
corporations, townships, local housing authorities, and nonprofit 7307  
organizations shall use in applying for grants, loans, loan 7308  
guarantees, and loan subsidies and that private developers and 7309  
private lenders shall use in applying for loans, loan guarantees, 7310  
and loan subsidies; eligibility criteria for the receipt of funds; 7311  
procedures for reviewing and granting or denying applications; 7312  
procedures for paying out funds; conditions on the use of funds; 7313  
procedures for monitoring the use of funds; and procedures under 7314  
which a recipient shall be required to repay funds that are 7315  
improperly used. The rules shall do both of the following: 7316

(1) Require each recipient of a grant or loan made from the 7317  
low- and moderate-income housing trust fund for activities that 7318  
provide, or assist in providing, a rental housing project, to 7319  
reasonably ensure that the rental housing project will remain 7320  
affordable to those families and individuals targeted for the 7321  
rental housing project for the useful life of the rental housing 7322  
project or for thirty years, whichever is longer; 7323

(2) Require each recipient of a grant or loan made from the 7324  
low- and moderate-income housing trust fund for activities that 7325  
provide, or assist in providing, a housing project to prepare and 7326  
implement a plan to reasonably assist any families and individuals 7327  
displaced by the housing project in obtaining decent affordable 7328  
housing. 7329

~~(E)~~(F) In prescribing eligibility criteria and conditions for 7330  
the use of funds, neither the department nor the agency is limited 7331  
to the criteria and conditions specified in this section and each 7332  
may prescribe additional eligibility criteria and conditions that 7333  
relate to the purposes for which grants, loans, loan guarantees, 7334

and loan subsidies may be made. However, the department and agency 7335  
are limited by the following specifically targeted low- and 7336  
moderate-income guidelines: 7337

(1) Not less than seventy-five per cent of the money granted 7338  
and loaned under this section in any fiscal year shall be for 7339  
activities that provide affordable housing and housing assistance 7340  
to families and individuals whose incomes are equal to or less 7341  
than fifty per cent of the median income for the county in which 7342  
they live, as determined by the department under section 174.04 of 7343  
the Revised Code. 7344

(2) Any money granted and loaned under this section in any 7345  
fiscal year that is not granted or loaned pursuant to division 7346  
~~(E)~~(F)(1) of this section shall be for activities that provide 7347  
affordable housing and housing assistance to families and 7348  
individuals whose incomes are equal to or less than eighty per 7349  
cent of the median income for the county in which they live, as 7350  
determined by the department under section 174.04 of the Revised 7351  
Code. 7352

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 7353  
subsidies under this section, the department and the agency shall 7354  
give preference to viable projects and activities that benefit 7355  
those families and individuals whose incomes are equal to or less 7356  
than thirty-five per cent of the median income for the county in 7357  
which they live, as determined by the department under section 7358  
174.04 of the Revised Code. 7359

~~(G)~~(H) The department and the agency shall monitor the 7360  
programs developed under this section to ensure that money granted 7361  
and loaned under this section is not used in a manner that 7362  
violates division (H) of section 4112.02 of the Revised Code or 7363  
discriminates against families with children. 7364

**Sec. 174.06.** (A) There is hereby created the housing trust 7365

fund advisory committee. The committee consists of fourteen 7366  
members the governor appoints as follows to represent 7367  
organizations committed to housing and housing assistance for low- 7368  
and moderate-income persons: 7369

(1) One member to represent lenders. 7370

(2) One member to represent for-profit builders and 7371  
developers. 7372

(3) One member to represent the families and individuals 7373  
included in the income groups targeted for housing and housing 7374  
assistance under divisions ~~(E)~~ and (F) and (G) of section 174.03 7375  
of the Revised Code. 7376

(4) One member to represent religious, civic, or social 7377  
service organizations. 7378

(5) One member to represent counties. 7379

(6) One member to represent municipal corporations. 7380

(7) One member to represent townships. 7381

(8) One member to represent local housing authorities. 7382

(9) One member to represent fair housing organizations. 7383

(10) Three members to represent nonprofit organizations. 7384

(11) One member to represent real estate brokers licensed 7385  
under Chapter 4735. of the Revised Code. 7386

(12) One member to represent the for-profit rental housing 7387  
industry. 7388

(B)(1) Terms of office are for four years, with each term 7389  
ending on the same day of the same month as did the term that it 7390  
succeeds. Each member shall hold office from the date of 7391  
appointment until the end of the term for which the member was 7392  
appointed. Vacancies shall be filled in the manner prescribed for 7393  
the original appointment. A member appointed to fill a vacancy 7394

occurring prior to the expiration of a term shall hold office for 7395  
the remainder of that term. A member shall continue in office 7396  
subsequent to the expiration of a term until a successor takes 7397  
office or until a period of sixty days has elapsed, whichever 7398  
occurs first. 7399

(2) The governor may remove a member for misfeasance, 7400  
malfeasance, or willful neglect of duty. 7401

(C)(1) The committee shall select a chairperson from among 7402  
its members. The committee shall meet at least once each calendar 7403  
year and upon the call of the chair. Members of the committee 7404  
serve without compensation, but shall be reimbursed for reasonable 7405  
and necessary expenses incurred in the discharge of duties. 7406

(2) The department of development shall provide the committee 7407  
with a meeting place, supplies, and staff assistance as the 7408  
committee requests. 7409

(D) The committee shall assist the department and the Ohio 7410  
housing finance agency in defining housing needs and priorities, 7411  
recommend to the department and agency at least annually how the 7412  
programs developed under section 174.02 of the Revised Code should 7413  
be designed to most effectively benefit low- and moderate-income 7414  
persons, consider an allocation of funds for projects of fifteen 7415  
units or less, and advise the director of development on whether 7416  
and how to reallocate money in the low- and moderate-income 7417  
housing trust fund under division (B) of section 174.02 of the 7418  
Revised Code. 7419

**Sec. 183.01.** As used in this chapter: 7420

(A) "Tobacco master settlement agreement" means the 7421  
settlement agreement (and related documents) entered into on 7422  
November 23, 1998 by the state and leading United States tobacco 7423  
product manufacturers. 7424

~~(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 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 7455  
development foundation; 7456

(3) The members or employees of the third frontier commission 7457  
or the members of the third frontier advisory board. 7458

Sec. 183.061. The board of trustees of the tobacco use 7459  
prevention and control foundation may form a nonprofit corporation 7460  
pursuant to Chapter 1702. of the Revised Code for the purpose of 7461  
raising money to aid the foundation in the conduct of its duties 7462  
under Chapter 183. of the Revised Code. 7463

**Sec. 183.17.** The fiscal year of the southern Ohio 7464  
agricultural and community development foundation shall be the 7465  
same as the fiscal year of the state. 7466

Within ninety days after the end of each fiscal year, the 7467  
foundation shall submit to the governor and the general assembly 7468  
both of the following: 7469

(A) A report of the activities of the foundation during the 7470  
preceding fiscal year. The report shall also contain an 7471  
independent evaluation of the progress being made by the 7472  
foundation in carrying out its duties. 7473

(B) A financial report of the foundation for the preceding 7474  
year, which shall include both: 7475

(1) Information on the amount and percentage of overhead and 7476  
administrative expenditures compared to programmatic expenditures; 7477

(2) An independent auditor's report on the basic financial 7478  
statements and required supplementary information of the 7479  
foundation. Such financial statements shall be prepared in 7480  
conformity with generally accepted accounting principles 7481  
prescribed for governmental entities. 7482

On or before July 1, 2010, the foundation shall report to the 7483



governor and the general assembly on the progress that the 7484  
foundation has made in replacing the production of tobacco in 7485  
southern Ohio with the production of other agricultural products 7486  
and in mitigating the adverse economic impact of reduced tobacco 7487  
production in the region. ~~If the foundation concludes that a need 7488  
for additional funding still exists, the foundation may request 7489  
that provision be made for a portion of the payments credited to 7490  
the tobacco master settlement agreement fund to continue to be 7491  
transferred to the southern Ohio agricultural and community 7492  
development trust fund.~~ 7493

**Sec. 183.33.** No money shall be appropriated or transferred 7494  
from the general revenue fund to the ~~tobacco master settlement 7495  
agreement fund,~~ tobacco use prevention and cessation trust fund, 7496  
tobacco use prevention and control endowment fund, law enforcement 7497  
improvements trust fund, southern Ohio agricultural and community 7498  
development trust fund, southern Ohio agricultural and community 7499  
development foundation endowment fund, Ohio's public health 7500  
priorities trust fund, biomedical research and technology transfer 7501  
trust fund, education facilities trust fund, ~~education facilities 7502  
endowment fund,~~ or education technology trust fund. In addition, 7503  
no money shall be otherwise appropriated or transferred from the 7504  
general revenue fund for the use of the tobacco use prevention and 7505  
control foundation ~~or the southern Ohio agricultural and community 7506  
development foundation.~~ 7507

**Sec. 183.34.** There is hereby created in the state treasury 7508  
the tobacco settlement oversight, administration, and enforcement 7509  
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 7510  
under division (I) of section 183.02 of the Revised Code prior to 7511  
the repeal of that section by H.B. 119 of the 127th general 7512  
assembly. The attorney general shall use the fund to pay costs 7513  
incurred in the oversight, administration, and enforcement of the 7514

tobacco master settlement agreement. 7515

**Sec. 183.35.** There is hereby created in the state treasury 7516  
the tobacco settlement enforcement fund, ~~to~~ which shall be 7517  
~~credited~~ consist of amounts transferred under division (J) of 7518  
section 183.02 of the Revised Code prior to the repeal of that 7519  
section by H.B. 119 of the 127th general assembly. The tax 7520  
commissioner shall use the fund to pay costs incurred in the 7521  
enforcement of divisions (F) and (G) of section 5743.03 of the 7522  
Revised Code. 7523

**Sec. 183.51.** (A) As used in this section and in the 7524  
applicable bond proceedings unless otherwise provided: 7525

(1) "Bond proceedings" means the resolutions, orders, 7526  
indentures, purchase and sale and trust and other agreements 7527  
including any amendments or supplements to them, and credit 7528  
enhancement facilities, and amendments and supplements to them, or 7529  
any one or more or combination of them, authorizing, awarding, or 7530  
providing for the terms and conditions applicable to or providing 7531  
for the security or liquidity of, the particular obligations, and 7532  
the provisions contained in those obligations. 7533

(2) "Bond service fund" means the bond service fund created 7534  
in the bond proceedings for the obligations. 7535

(3) "Capital facilities" means, as applicable, capital 7536  
facilities or projects as referred to in section 151.03 or 151.04 7537  
of the Revised Code. 7538

(4) "Consent decree" means the consent decree and final 7539  
judgment entered November 25, 1998, in the court of common pleas 7540  
of Franklin county, Ohio, as the same may be amended or 7541  
supplemented from time to time. 7542

(5) "Cost of capital facilities" has the same meaning as in 7543  
section 151.01 of the Revised Code, as applicable. 7544

(6) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code. 7545  
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(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" may include costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source of payment of or limitation on, other debt service. 7548  
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(8) "Improvement fund" means, as applicable, the school building program assistance fund created in section 3318.25 of the Revised Code and the higher education improvement fund created in section 154.21 of the Revised Code. 7556  
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(9) "Issuing authority" means the buckeye tobacco settlement financing authority created in section 183.52 of the Revised Code. 7560  
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(10) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into special funds pursuant to the applicable bond proceedings, and amounts to be used to pay financing costs. 7562  
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(11) "Obligations" means bonds, notes, or other evidences of obligation of the issuing authority, including any appertaining interest coupons, issued by the issuing authority under this section and Section 2i of Article VIII, Ohio Constitution, for the purpose of providing funds to the state, in exchange for the assignment and sale described in division (B) of this section, for the purpose of paying costs of capital facilities for: (a) housing branches and agencies of state government limited to facilities for a system of common schools throughout the state and (b) 7567  
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state-supported or state-assisted institutions of higher education. 7576  
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(12) "Pledged receipts" means, as and to the extent provided for in the applicable bond proceedings: 7578  
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(a) Pledged tobacco settlement receipts; 7580

(b) Accrued interest received from the sale of obligations; 7581

(c) Income from the investment of the special funds; 7582

(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. 7583  
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(13) "Pledged tobacco settlement receipts" means all amounts received by the issuing authority pursuant to division (B) of this section. 7588  
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(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. 7591  
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(15) "Special funds" or "funds," unless the context indicates 7605

otherwise, means the bond service fund, and any other funds, 7606  
including any reserve funds, created under the bond proceedings 7607  
and stated to be special funds in those proceedings, including 7608  
moneys and investments, and earnings from investments, credited 7609  
and to be credited to the particular fund. "Special funds" does 7610  
not include any improvement fund or investment earnings on amounts 7611  
in any improvement fund, or other funds created by the bond 7612  
proceedings that are not stated by those proceedings to be special 7613  
funds. 7614

(B) The state may assign and sell to the issuing authority, 7615  
and the issuing authority may accept and purchase, all or a 7616  
portion of the amounts to be received by the state under the 7617  
tobacco master settlement agreement for a purchase price payable 7618  
by the issuing authority to the state consisting of the net 7619  
proceeds of obligations and any residual interest, if any. Any 7620  
such assignment and sale shall be irrevocable in accordance with 7621  
its terms during the period any obligations secured by amounts so 7622  
assigned and sold are outstanding under the applicable bond 7623  
proceedings, and shall constitute a contractual obligation to the 7624  
holders or owners of those obligations. Any such assignment and 7625  
sale shall also be treated as an absolute transfer and true sale 7626  
for all purposes, and not as a pledge or other security interest. 7627  
The characterization of any such assignment and sale as a true 7628  
sale and absolute transfer shall not be negated or adversely 7629  
affected by only a portion of the amounts to be received under the 7630  
tobacco master settlement agreement being transferred, the 7631  
acquisition or retention by the state of a residual interest, the 7632  
participation of any state officer or employee as a member or 7633  
officer of, or providing staff support to, the issuing authority, 7634  
any responsibility of an officer or employee of the state for 7635  
collecting the amounts to be received under the tobacco master 7636  
settlement agreement or otherwise enforcing that agreement or 7637  
retaining any legal title to or interest in any portion of the 7638

amounts to be received under that agreement for the purpose of 7639  
these collection activities, any characterization of the issuing 7640  
authority or its obligations for purposes of accounting, taxation, 7641  
or securities regulation, or by any other factors whatsoever. A 7642  
true sale shall exist under this section regardless of whether the 7643  
issuing authority has any recourse against the state or any other 7644  
term of the bond proceedings or the treatment or characterization 7645  
of the transfer as a financing for any purpose. Upon and following 7646  
the assignment and sale, the state shall not have any right, 7647  
title, or interest in the portion of the receipts under the 7648  
tobacco master settlement agreement so assigned and sold, other 7649  
than any residual interest that may be described in the applicable 7650  
bond proceedings for those obligations, and that portion, if any, 7651  
shall be the property of the issuing authority and not of the 7652  
state, and shall be paid directly to the issuing authority, and 7653  
shall be owned, received, held, and disbursed by the issuing 7654  
authority and not by the state. 7655

The state may covenant, pledge, and agree in the bond 7656  
proceedings, with and for the benefit of the issuing authority, 7657  
the holders and owners of obligations, and providers of any credit 7658  
enhancement facilities, that it shall: (1) maintain statutory 7659  
authority for, and cause to be collected and paid directly to the 7660  
issuing authority or its assignee, the pledged receipts, (2) 7661  
enforce the rights of the issuing authority to receive the 7662  
receipts under the tobacco master settlement agreement assigned 7663  
and sold to the issuing authority, (3) not limit or alter the 7664  
rights of the issuing authority to fulfill the terms of its 7665  
agreements with the holders or owners of obligations outstanding 7666  
under the bond proceedings, (4) not in any way impair the rights 7667  
and remedies of the holders or owners of obligations outstanding 7668  
under the bond proceedings or impair the security for those 7669  
obligations, (5) enforce Chapter 1346. of the Revised Code, the 7670  
tobacco master settlement agreement, and the consent decree to 7671

effectuate the collection of the pledged tobacco settlement 7672  
receipts, and (6) not agree to any amendment of the tobacco master 7673  
settlement agreement that materially and adversely affects the 7674  
issuing authority's ability to receive the portion of the receipts 7675  
under the tobacco master settlement agreement assigned and sold to 7676  
the issuing authority. 7677

The bond proceedings may also include such other covenants, 7678  
pledges, and agreements by the state to protect and safeguard the 7679  
security and rights of the holders and owners of the obligations, 7680  
and of the providers of any credit enhancement facilities, 7681  
including, without limiting the generality of the foregoing, any 7682  
covenant, pledge, or agreement customary in transactions involving 7683  
the issuance of securities the debt service on which is payable 7684  
from or secured by amounts received under the tobacco master 7685  
settlement agreement. Notwithstanding any other provision of law, 7686  
any covenant, pledge, and agreement of the state, if and when made 7687  
in the bond proceedings, shall be controlling and binding upon, 7688  
and enforceable against the state in accordance with its terms for 7689  
so long as any obligations are outstanding under the applicable 7690  
bond proceedings. The bond proceedings may also include 7691  
limitations on the remedies available to the issuing authority, 7692  
the holders and owners of the obligations, and the providers of 7693  
any credit enhancement facilities, including, without limiting the 7694  
generality of the foregoing, a provision that those remedies may 7695  
be limited to injunctive relief in circumstances where there has 7696  
been no prior determination by a court of competent jurisdiction 7697  
that the state has not enforced Chapter 1346. of the Revised Code, 7698  
the tobacco master settlement agreement, or the consent decree as 7699  
may have been covenanted or agreed in the bond proceedings under 7700  
division (B)(5) of this section. 7701

Nothing in this section or the bond proceedings shall 7702  
preclude or limit, or be construed to preclude or limit, the state 7703

from regulating or authorizing or permitting the regulation of 7704  
smoking or from taxing and regulating the sale of cigarettes or 7705  
other tobacco products, or from defending or prosecuting cases or 7706  
other actions relating to the sale or use of cigarettes or other 7707  
tobacco products. Except as otherwise may be agreed in writing by 7708  
the attorney general, nothing in this section or the bond 7709  
proceedings shall modify or limit, or be construed to modify or 7710  
limit, the responsibility, power, judgment, and discretion of the 7711  
attorney general to protect and discharge the duties, rights, and 7712  
obligations of the state under the tobacco master settlement 7713  
agreement, the consent decree, or Chapter 1346. of the Revised 7714  
Code. 7715

The governor and the director of budget and management, in 7716  
consultation with the attorney general, on behalf of the state, 7717  
and any member or officer of the issuing authority as authorized 7718  
by that issuing authority, on behalf of the issuing authority, may 7719  
take any action and execute any documents, including any purchase 7720  
and sale agreements, necessary to effect the assignment and sale 7721  
and the acceptance of the assignment and title to the receipts 7722  
including, providing irrevocable direction to the escrow agent 7723  
acting under the tobacco master settlement agreement to transfer 7724  
directly to the issuing authority the amounts to be received under 7725  
that agreement that are subject to such assignment and sale. Any 7726  
purchase and sale agreement or other bond proceedings may contain 7727  
the terms and conditions established by the state and the issuing 7728  
authority to carry out and effectuate the purposes of this 7729  
section, including, without limitation, covenants binding the 7730  
state in favor of the issuing authority and its assignees and the 7731  
owners of the obligations. Any such purchase and sale agreement 7732  
shall be sufficient to effectuate such purchase and sale without 7733  
regard to any other laws governing other property sales or 7734  
financial transactions by the state. 7735



Not later than two years following the date on which there 7736  
are no longer any obligations outstanding under the bond 7737  
proceedings, all assets of the issuing authority shall vest in the 7738  
state, the issuing authority shall execute any necessary 7739  
assignments or instruments, including any assignment of any right, 7740  
title, or ownership to the state for receipt of amounts under the 7741  
tobacco master settlement agreement, and the issuing authority 7742  
shall be dissolved. 7743

(C) The issuing authority is authorized to issue and to sell 7744  
obligations as provided in this section. The aggregate principal 7745  
amount of obligations issued under this section shall not exceed 7746  
six billion dollars, exclusive of obligations issued under 7747  
division (M)(1) of this section to refund, renew, or advance 7748  
refund other obligations issued or incurred. At least seventy-five 7749  
per cent of the aggregate net proceeds of the obligations issued 7750  
under the authority of this section, exclusive of obligations 7751  
issued to refund, renew, or advance refund other obligations, 7752  
shall be paid to the state for deposit into the school building 7753  
program assistance fund created in section 3318.25 of the Revised 7754  
Code. 7755

(D) Each issue of obligations shall be authorized by 7756  
resolution or order of the issuing authority. The bond proceedings 7757  
shall provide for or authorize the manner for determining the 7758  
principal amount or maximum principal amount of obligations of an 7759  
issue, the principal maturity or maturities, the interest rate or 7760  
rates, the date of and the dates of payment of interest on the 7761  
obligations, their denominations, and the place or places of 7762  
payment of debt service which may be within or outside the state. 7763  
Unless otherwise provided by law, the latest principal maturity 7764  
may not be later than the earlier of the thirty-first day of 7765  
December of the fiftieth calendar year after the year of issuance 7766  
of the particular obligations or of the fiftieth calendar year 7767

after the year in which the original obligation to pay was issued 7768  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7769  
the Revised Code apply to the obligations. 7770

The purpose of the obligations may be stated in the bond 7771  
proceedings in general terms, such as, as applicable, "paying 7772  
costs of capital facilities for a system of common schools" and 7773  
"paying costs of facilities for state-supported and state-assisted 7774  
institutions of higher education." Unless otherwise provided in 7775  
the bond proceedings or in division (C) of this section, the net 7776  
proceeds from the issuance of the obligations shall be paid to the 7777  
state for deposit into the applicable improvement fund. 7778  
Notwithstanding division (B)(4) of section 3318.38 of the Revised 7779  
Code, net proceeds of obligations deposited into the school 7780  
building program assistance fund created in section 3318.25 of the 7781  
Revised Code may be used to pay basic project costs under section 7782  
3318.38 of the Revised Code at the times determined by the Ohio 7783  
school facilities commission without regard to whether those 7784  
expenditures are in proportion to the state's and the school 7785  
district's respective shares of that basic project cost; provided 7786  
that this shall not result in any change in the state or school 7787  
district shares of the basic project costs provided under Chapter 7788  
3318. of the Revised Code. As used in the preceding sentence, 7789  
"Ohio school facilities commission" and "basic project costs" have 7790  
the same meanings as in section 3318.01 of the Revised Code. 7791

(E) The issuing authority may, without need for any other 7792  
approval, appoint or provide for the appointment of paying agents, 7793  
bond registrars, securities depositories, credit enhancement 7794  
providers or counterparties, clearing corporations, and transfer 7795  
agents, and retain or contract for the services of underwriters, 7796  
investment bankers, financial advisers, accounting experts, 7797  
marketing, remarketing, indexing, and administrative agents, other 7798  
consultants, and independent contractors, including printing 7799

services, as are necessary in the judgment of the issuing 7800  
authority to carry out the issuing authority's functions under 7801  
this section and section 183.52 of the Revised Code. The attorney 7802  
general as counsel to the issuing authority shall represent the 7803  
authority in the execution of its powers and duties, and shall 7804  
institute and prosecute all actions on its behalf. The issuing 7805  
authority, in consultation with the attorney general, shall select 7806  
counsel, and the attorney general shall appoint the counsel 7807  
selected, for the purposes of carrying out the functions under 7808  
this section and related sections of the Revised Code. Financing 7809  
costs are payable, as may be provided in the bond proceedings, 7810  
from the proceeds of the obligations, from special funds, or from 7811  
other moneys available for the purpose, including as to future 7812  
financing costs, from the pledged receipts. 7813

(F) The issuing authority may irrevocably pledge and assign 7814  
all, or such portion as the issuing authority determines, of the 7815  
pledged receipts to the payment of the debt service charges on 7816  
obligations issued under this section, and for the establishment 7817  
and maintenance of any reserves, as provided in the bond 7818  
proceedings, and make other provisions in the bond proceedings 7819  
with respect to pledged receipts as authorized by this section, 7820  
which provisions are controlling notwithstanding any other 7821  
provisions of law pertaining to them. Any and all pledged receipts 7822  
received by the issuing authority and required by the bond 7823  
proceedings, consistent with this section, to be deposited, 7824  
transferred, or credited to the bond service fund, and all other 7825  
money transferred or allocated to or received for the purposes of 7826  
that fund, shall be deposited and credited to the bond service 7827  
fund created in the bond proceedings for the obligations, subject 7828  
to any applicable provisions of those bond proceedings, but 7829  
without necessity for any act of appropriation. Those pledged 7830  
receipts shall immediately be subject to the lien of that pledge 7831  
without any physical delivery thereof or further act, and shall 7832

not be subject to other court judgments. The lien of the pledge of 7833  
those pledged receipts shall be valid and binding against all 7834  
parties having claims of any kind against the issuing authority, 7835  
irrespective of whether those parties have notice thereof. The 7836  
pledge shall create a perfected security interest for all purposes 7837  
of Chapter 1309. of the Revised Code and a perfected lien for 7838  
purposes of any other interest, all without the necessity for 7839  
separation or delivery of funds or for the filing or recording of 7840  
the applicable bond proceedings by which that pledge is created or 7841  
any certificate, statement, or other document with respect 7842  
thereto. The pledge of the pledged receipts shall be effective and 7843  
the money therefrom and thereof may be applied to the purposes for 7844  
which pledged. 7845

(G) Obligations may be further secured, as determined by the 7846  
issuing authority, by an indenture or a trust agreement between 7847  
the issuing authority and a corporate trustee, which may be any 7848  
trust company or bank having a place of business within the state. 7849  
Any indenture or trust agreement may contain the resolution or 7850  
order authorizing the issuance of the obligations, any provisions 7851  
that may be contained in any bond proceedings, and other 7852  
provisions that are customary or appropriate in an agreement of 7853  
that type, including, but not limited to: 7854

(1) Maintenance of each pledge, indenture, trust agreement, 7855  
or other instrument comprising part of the bond proceedings until 7856  
the issuing authority has fully paid or provided for the payment 7857  
of debt service on the obligations secured by it; 7858

(2) In the event of default in any payments required to be 7859  
made by the bond proceedings, enforcement of those payments or 7860  
agreements by mandamus, the appointment of a receiver, suit in 7861  
equity, action at law, or any combination of them; 7862

(3) The rights and remedies of the holders or owners of 7863  
obligations and of the trustee and provisions for protecting and 7864

enforcing them, including limitations on rights of individual 7865  
holders and owners. 7866

(H) The bond proceedings may contain additional provisions 7867  
customary or appropriate to the financing or to the obligations or 7868  
to particular obligations including, but not limited to, 7869  
provisions for: 7870

(1) The redemption of obligations prior to maturity at the 7871  
option of the issuing authority or of the holder or upon the 7872  
occurrence of certain conditions, and at a particular price or 7873  
prices and under particular terms and conditions; 7874

(2) The form of and other terms of the obligations; 7875

(3) The establishment, deposit, investment, and application 7876  
of special funds, and the safeguarding of moneys on hand or on 7877  
deposit, in lieu of the applicability of provisions of Chapter 7878  
131. or 135. of the Revised Code, but subject to any special 7879  
provisions of this section with respect to the application of 7880  
particular funds or moneys. Any financial institution that acts as 7881  
a depository of any moneys in special funds or other funds under 7882  
the bond proceedings may furnish indemnifying bonds or pledge 7883  
securities as required by the issuing authority. 7884

(4) Any or every provision of the bond proceedings being 7885  
binding upon the issuing authority and upon such governmental 7886  
agency or entity, officer, board, authority, agency, department, 7887  
institution, district, or other person or body as may from time to 7888  
time be authorized to take actions as may be necessary to perform 7889  
all or any part of the duty required by the provision; 7890

(5) The maintenance of each pledge or instrument comprising 7891  
part of the bond proceedings until the issuing authority has fully 7892  
paid or provided for the payment of the debt service on the 7893  
obligations or met other stated conditions; 7894

(6) In the event of default in any payments required to be 7895

made by the bond proceedings, or by any other agreement of the 7896  
issuing authority made as part of a contract under which the 7897  
obligations were issued or secured, including a credit enhancement 7898  
facility, the enforcement of those payments by mandamus, a suit in 7899  
equity, an action at law, or any combination of those remedial 7900  
actions; 7901

(7) The rights and remedies of the holders or owners of 7902  
obligations or of book-entry interests in them, and of third 7903  
parties under any credit enhancement facility, and provisions for 7904  
protecting and enforcing those rights and remedies, including 7905  
limitations on rights of individual holders or owners; 7906

(8) The replacement of mutilated, destroyed, lost, or stolen 7907  
obligations; 7908

(9) The funding, refunding, or advance refunding, or other 7909  
provision for payment, of obligations that will then no longer be 7910  
outstanding for purposes of this section or of the applicable bond 7911  
proceedings; 7912

(10) Amendment of the bond proceedings; 7913

(11) Any other or additional agreements with the owners of 7914  
obligations, and such other provisions as the issuing authority 7915  
determines, including limitations, conditions, or qualifications, 7916  
relating to any of the foregoing or the activities of the issuing 7917  
authority in connection therewith. 7918

The bond proceedings shall make provision for the payment of 7919  
the expenses of the enforcement activity of the attorney general 7920  
referred to in division (B) of this section from the amounts from 7921  
the tobacco master settlement agreement assigned and sold to the 7922  
issuing authority under that division or from the proceeds of 7923  
obligations, or a combination thereof, which may include provision 7924  
for both annual payments and a special fund providing reserve 7925  
amounts for the payment of those expenses. 7926

The issuing authority shall not, and shall covenant in the 7927  
bond proceedings that it shall not, be authorized to and shall not 7928  
file a voluntary petition under the United States Bankruptcy Code, 7929  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7930  
similar bankruptcy proceeding under state law including, without 7931  
limitation, consenting to the appointment of a receiver or trustee 7932  
or making a general or specific assignment for the benefit of 7933  
creditors, and neither any public officer or any organization, 7934  
entity, or other person shall authorize the issuing authority to 7935  
be or become a debtor under the United States Bankruptcy Code or 7936  
take any of those actions under the United States Bankruptcy Code 7937  
or state law. The state hereby covenants, and the issuing 7938  
authority shall covenant, with the holders or owners of the 7939  
obligations, that the state shall not permit the issuing authority 7940  
to file a voluntary petition under the United States Bankruptcy 7941  
Code or take any of those actions under the United States 7942  
Bankruptcy Code or state law during the period obligations are 7943  
outstanding and for any additional period for which the issuing 7944  
authority covenants in the bond proceedings, which additional 7945  
period may, but need not, be a period of three hundred sixty-seven 7946  
days or more. 7947

(I) The obligations requiring execution by or for the issuing 7948  
authority shall be signed as provided in the bond proceedings, and 7949  
may bear the official seal of the issuing authority or a facsimile 7950  
thereof. Any obligation may be signed by the individual who, on 7951  
the date of execution, is the authorized signer even though, on 7952  
the date of the obligations, that individual is not an authorized 7953  
signer. In case the individual whose signature or facsimile 7954  
signature appears on any obligation ceases to be an authorized 7955  
signer before delivery of the obligation, that signature or 7956  
facsimile is nevertheless valid and sufficient for all purposes as 7957  
if that individual had remained the authorized signer until 7958  
delivery. 7959

(J) Obligations are investment securities under Chapter 1308. 7960  
of the Revised Code. Obligations may be issued in bearer or in 7961  
registered form, registrable as to principal alone or as to both 7962  
principal and interest, or both, or in certificated or 7963  
uncertificated form, as the issuing authority determines. 7964  
Provision may be made for the exchange, conversion, or transfer of 7965  
obligations and for reasonable charges for registration, exchange, 7966  
conversion, and transfer. Pending preparation of final 7967  
obligations, the issuing authority may provide for the issuance of 7968  
interim instruments to be exchanged for the final obligations. 7969

(K) Obligations may be sold at public sale or at private 7970  
sale, in such manner, and at such price at, above, or below par, 7971  
all as determined by and provided by the issuing authority in the 7972  
bond proceedings. 7973

(L) Except to the extent that rights are restricted by the 7974  
bond proceedings, any owner of obligations or provider of or 7975  
counterparty to a credit enhancement facility may by any suitable 7976  
form of legal proceedings protect and enforce any rights relating 7977  
to obligations or that facility under the laws of this state or 7978  
granted by the bond proceedings. Those rights include the right to 7979  
compel the performance of all applicable duties of the issuing 7980  
authority and the state. Each duty of the issuing authority and 7981  
that issuing authority's officers, staff, and employees, and of 7982  
each state entity or agency, or using district or using 7983  
institution, and its officers, members, staff, or employees, 7984  
undertaken pursuant to the bond proceedings, is hereby established 7985  
as a duty of the entity or individual having authority to perform 7986  
that duty, specifically enjoined by law and resulting from an 7987  
office, trust, or station within the meaning of section 2731.01 of 7988  
the Revised Code. The individuals who are from time to time 7989  
members of the issuing authority, or their designees acting 7990  
pursuant to section 183.52 of the Revised Code, or the issuing 7991



authority's officers, staff, agents, or employees, when acting 7992  
within the scope of their employment or agency, shall not be 7993  
liable in their personal capacities on any obligations or 7994  
otherwise under the bond proceedings, or for otherwise exercising 7995  
or carrying out any purposes or powers of the issuing authority. 7996

(M)(1) Subject to any applicable limitations in division (C) 7997  
of this section, the issuing authority may also authorize and 7998  
provide for the issuance of: 7999

(a) Obligations in the form of bond anticipation notes, and 8000  
may authorize and provide for the renewal of those notes from time 8001  
to time by the issuance of new notes. The holders of notes or 8002  
appertaining interest coupons have the right to have debt service 8003  
on those notes paid solely from the moneys and special funds, and 8004  
all or any portion of the pledged receipts, that are or may be 8005  
pledged to that payment, including the proceeds of bonds or 8006  
renewal notes or both, as the issuing authority provides in the 8007  
bond proceedings authorizing the notes. Notes may be additionally 8008  
secured by covenants of the issuing authority to the effect that 8009  
the issuing authority will do all things necessary for the 8010  
issuance of bonds or renewal notes in such principal amount and 8011  
upon such terms as may be necessary to provide moneys to pay when 8012  
due the debt service on the notes, and apply their proceeds to the 8013  
extent necessary, to make full and timely payment of debt service 8014  
on the notes as provided in the applicable bond proceedings. In 8015  
the bond proceedings authorizing the issuance of bond anticipation 8016  
notes the issuing authority shall set forth for the bonds 8017  
anticipated an estimated schedule of annual principal payments the 8018  
latest of which shall be no later than provided in division (D) of 8019  
this section. While the notes are outstanding there shall be 8020  
deposited, as shall be provided in the bond proceedings for those 8021  
notes, from the sources authorized for payment of debt service on 8022  
the bonds, amounts sufficient to pay the principal of the bonds 8023

anticipated as set forth in that estimated schedule during the 8024  
time the notes are outstanding, which amounts shall be used solely 8025  
to pay the principal of those notes or of the bonds anticipated. 8026

(b) Obligations for the refunding, including funding and 8027  
retirement, and advance refunding, with or without payment or 8028  
redemption prior to maturity, of any obligations previously issued 8029  
under this section and any bonds or notes previously issued for 8030  
the purpose of paying costs of capital facilities for: (i) 8031  
state-supported or state-assisted institutions of higher education 8032  
as authorized by sections 151.01 and 151.04 of the Revised Code, 8033  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 8034  
and (ii) housing branches and agencies of state government limited 8035  
to facilities for a system of common schools throughout the state 8036  
as authorized by sections 151.01 and 151.03 of the Revised Code, 8037  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 8038  
Refunding obligations may be issued in amounts sufficient to pay 8039  
or to provide for repayment of the principal amount, including 8040  
principal amounts maturing prior to the redemption of the 8041  
remaining prior obligations or bonds or notes, any redemption 8042  
premium, and interest accrued or to accrue to the maturity or 8043  
redemption date or dates, payable on the prior obligations or 8044  
bonds or notes, and related financing costs and any expenses 8045  
incurred or to be incurred in connection with that issuance and 8046  
refunding. Subject to the applicable bond proceedings, the portion 8047  
of the proceeds of the sale of refunding obligations issued under 8048  
division (M)(1)(b) of this section to be applied to debt service 8049  
on the prior obligations or bonds or notes shall be credited to an 8050  
appropriate separate account in the bond service fund and held in 8051  
trust for the purpose by the issuing authority or by a corporate 8052  
trustee, and may be invested as provided in the bond proceedings. 8053  
Obligations authorized under this division shall be considered to 8054  
be issued for those purposes for which the prior obligations or 8055  
bonds or notes were issued. 8056

(2) The principal amount of refunding, advance refunding, or renewal obligations issued pursuant to division (M) of this section shall be in addition to the amount authorized in division (C) of this section. 8057  
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(N) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations. 8061  
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(O)(1) Unless otherwise provided or provided for in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities. 8074  
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(2) Payments received by the issuing authority under interest rate hedges entered into as credit enhancement facilities under this section shall be deposited as provided in the applicable bond proceedings. 8080  
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(P) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them or to any guarantee of the payment of that debt service. The holders or owners of the obligations shall have no right to have 8084  
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any moneys obligated or pledged for the payment of debt service 8089  
except as provided in this section and in the applicable bond 8090  
proceedings. The rights of the holders and owners to payment of 8091  
debt service are limited to all or that portion of the pledged 8092  
receipts, and those special funds, pledged to the payment of debt 8093  
service pursuant to the bond proceedings in accordance with this 8094  
section, and each obligation shall bear on its face a statement to 8095  
that effect. 8096

(O) Each bond service fund is a trust fund and is hereby 8097  
pledged to the payment of debt service on the applicable 8098  
obligations. Payment of that debt service shall be made or 8099  
provided for by the issuing authority in accordance with the bond 8100  
proceedings without necessity for any act of appropriation. The 8101  
bond proceedings may provide for the establishment of separate 8102  
accounts in the bond service fund and for the application of those 8103  
accounts only to debt service on specific obligations, and for 8104  
other accounts in the bond service fund within the general 8105  
purposes of that fund. 8106

(R) Subject to the bond proceedings pertaining to any 8107  
obligations then outstanding in accordance with their terms, the 8108  
issuing authority may in the bond proceedings pledge all, or such 8109  
portion as the issuing authority determines, of the moneys in the 8110  
bond service fund to the payment of debt service on particular 8111  
obligations, and for the establishment and maintenance of any 8112  
reserves for payment of particular debt service. 8113

(S)(1) Unless otherwise provided in any applicable bond 8114  
proceedings, moneys to the credit of special funds may be invested 8115  
by or on behalf of the issuing authority only in one or more of 8116  
the following: 8117

(a) Notes, bonds, or other direct obligations of the United 8118  
States or of any agency or instrumentality of the United States, 8119  
or in no-front-end-load money market mutual funds consisting 8120

exclusively of those obligations, or in repurchase agreements, 8121  
including those issued by any fiduciary, secured by those 8122  
obligations, or in collective investment funds consisting 8123  
exclusively of those obligations; 8124

(b) Obligations of this state or any political subdivision of 8125  
this state; 8126

(c) Certificates of deposit of any national bank located in 8127  
this state and any bank, as defined in section 1101.01 of the 8128  
Revised Code, subject to inspection by the superintendent of 8129  
financial institutions; 8130

(d) The treasurer of state's pooled investment program under 8131  
section 135.45 of the Revised Code; 8132

(e) Other investment agreements or repurchase agreements that 8133  
are consistent with the ratings on the obligations. 8134

(2) The income from investments referred to in division 8135  
(S)(1) of this section shall be credited to special funds or 8136  
otherwise as the issuing authority determines in the bond 8137  
proceedings. Those investments may be sold or exchanged at times 8138  
as the issuing authority determines, provides for, or authorizes. 8139

(T) The treasurer of state shall have responsibility for 8140  
keeping records, making reports, and making payments, relating to 8141  
any arbitrage rebate requirements under the applicable bond 8142  
proceedings. 8143

(U) The issuing authority shall make quarterly reports to the 8144  
general assembly of the amounts in, and activities of, each 8145  
improvement fund, including amounts and activities on the subfund 8146  
level. Each report shall include a detailed description and 8147  
analysis of the amount of proceeds remaining in each fund from the 8148  
sale of obligations pursuant to this section, and any other 8149  
deposits, credits, interest earnings, disbursements, expenses, 8150  
transfers, or activities of each fund. 8151

(V) The costs of the annual audit of the authority conducted pursuant to section 117.112 of the Revised Code are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

Sec. 183.52. (A) There is hereby created a body, both corporate and politic, constituting a public body, agency, and instrumentality of this state and performing essential functions of the state, to be known as the buckeye tobacco settlement financing authority, which in that name may contract and be contracted with, sue and be sued, and exercise all other authority vested in that authority by this section and section 183.51 of the Revised Code. The authority is created for the sole purpose of purchasing and receiving any assignment of the tobacco settlement receipts and issuing obligations, all as provided for in section 183.51 of the Revised Code, to provide financing of essential functions and facilities. The property of the authority and its income and operations shall be exempt from taxation involving the state or by the state and any political subdivision of the state. All income of the authority, after the payment of necessary expenses, shall accrue to the state.

(B) The authority shall consist of, in each case ex officio, the governor, the director of budget and management, the tax commissioner, the treasurer of state, and the auditor of state. The governor shall serve as the chair of the authority, the director of budget and management shall serve as its secretary, and the authority shall have such other officers as it determines, who may but need not be members of the authority. Four members of the authority constitute a quorum and the affirmative vote of four members is necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall

impair the rights of a quorum by such vote to exercise all the 8184  
rights and perform all the duties of the authority. Each of the 8185  
members above identified may designate an employee or officer of 8186  
their office to attend meetings of the authority when that member 8187  
is absent or unable for any reason to attend and that designee, 8188  
when present, shall be counted in determining whether a quorum is 8189  
present at any meeting and may vote and participate in all 8190  
proceedings and actions of the authority. A designee may not 8191  
execute or cause a facsimile signature to be placed on any 8192  
obligation. That designation shall be in writing, executed by the 8193  
designating member, and be filed with the secretary of the 8194  
authority. A designation may be changed from time to time by a 8195  
similar written designation. The authority may delegate to such of 8196  
its members, officers, employees, or staff as it determines those 8197  
powers and duties as it deems appropriate. No member of the 8198  
authority or designee shall, by reason of being or serving as a 8199  
member of the authority, be required to abstain from action in any 8200  
other capacity as an incumbent of a state office or position or 8201  
from any action as a member of the authority in any matter 8202  
affecting or in any way pertaining to both that office or position 8203  
and the authority, or for any purpose be deemed to be disqualified 8204  
from either such office or position or as a member of the 8205  
authority by reason of so acting or to have violated any law by 8206  
reason thereof. The authority may adopt and alter bylaws and rules 8207  
for the conduct of its affairs, including provisions for meetings, 8208  
and for the manner in which its powers and functions are to be 8209  
exercised and embodied, and may adopt and alter at will an 8210  
official seal to be affixed to official documents, provided that 8211  
the failure to affix any such seal shall not affect the legality 8212  
of such documents. Members of the authority shall receive no added 8213  
compensation for their services as such members but may be 8214  
reimbursed, as determined by the authority, for their necessary 8215  
and actual expenses incurred in the conduct of the authority's 8216

business. The office of budget and management shall provide staff support to the authority. 8217  
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Notwithstanding the existence of common management, the authority shall be treated and accounted for as a separate and independent legal entity with its separate purposes as set forth in this section and section 183.51 of the Revised Code. The assets, liabilities, and funds of the authority shall not be consolidated or commingled with those of the state, and contracts entered into by the authority shall be entered into in the name of the authority and not in the name of the state. 8219  
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The authority shall prepare annually an operating and financial statement covering the authority's operations for the preceding fiscal year. 8227  
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(C) In connection with the exercise of its powers pursuant to this section and section 183.51 of the Revised Code, the authority may enter into contracts and execute all instruments necessary or incidental to the performance of the issuing authority's duties and the execution of the issuing authority's powers and do all other acts necessary or proper to the fulfillment of the issuing authority's purposes and to carry out the powers expressly granted in this section and section 183.51 of the Revised Code. The authority is subject to sections 121.22 and 149.43 of the Revised Code. 8230  
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(D) Unless otherwise provided in Article IV of the Ohio Constitution, any action, suit, or special proceeding brought against the issuing authority or the state concerning or relating to the bond proceedings, section 183.51 of the Revised Code, or this section, shall be filed and determined in the court of claims under Chapter 2743. of the Revised Code. Any special proceeding brought against the issuing authority or the state in which the court of appeals has original jurisdiction shall be filed and determined in the court of appeals of Franklin county. Any such 8240  
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action or proceeding to which the issuing authority or the state 8249  
is a party shall be preferred over all other civil causes of 8250  
action or cases, except election causes of action or cases, 8251  
irrespective of position on the calendar. 8252

**Sec. 305.31.** The procedure for submitting to a referendum a 8253  
resolution adopted by a board of county commissioners under 8254  
division (H) of section 307.695 of the Revised Code that is not 8255  
submitted to the electors of the county for their approval or 8256  
disapproval; any resolution adopted by a board of county 8257  
commissioners pursuant to division (D)(1) of section 307.697, 8258  
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 8259  
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 8260  
5739.026, division (A)(6) of section 5739.09, section 5741.021, or 8261  
5741.023, or division (C)(1) of section 5743.024 of the Revised 8262  
Code; or a rule adopted pursuant to section 307.79 of the Revised 8263  
Code shall be as prescribed by this section. 8264

Except as otherwise provided in this paragraph, when a 8265  
petition, signed by ten per cent of the number of electors who 8266  
voted for governor at the most recent general election for the 8267  
office of governor in the county, is filed with the county auditor 8268  
within thirty days after the date the resolution is passed or rule 8269  
is adopted by the board of county commissioners, or is filed 8270  
within forty-five days after the resolution is passed, in the case 8271  
of a resolution adopted pursuant to section 5739.021 of the 8272  
Revised Code that is passed within one year after a resolution 8273  
adopted pursuant to that section has been rejected or repealed by 8274  
the electors, requesting that the resolution be submitted to the 8275  
electors of the county for their approval or rejection, the county 8276  
auditor shall, after ten days following the filing of the 8277  
petition, and not later than four p.m. of the seventy-fifth day 8278  
before the day of election, transmit a certified copy of the text 8279  
of the resolution or rule to the board of elections. In the case 8280

of a petition requesting that a resolution adopted under division 8281  
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 8282  
division (C)(1) of section 5743.024 of the Revised Code be 8283  
submitted to electors for their approval or rejection, the 8284  
petition shall be signed by seven per cent of the number of 8285  
electors who voted for governor at the most recent election for 8286  
the office of governor in the county. The county auditor shall 8287  
transmit the petition to the board together with the certified 8288  
copy of the resolution or rule. The board shall examine all 8289  
signatures on the petition to determine the number of electors of 8290  
the county who signed the petition. The board shall return the 8291  
petition to the auditor within ten days after receiving it, 8292  
together with a statement attesting to the number of such electors 8293  
who signed the petition. The board shall submit the resolution or 8294  
rule to the electors of the county, for their approval or 8295  
rejection, at the succeeding general election held in the county 8296  
in any year, or on the day of the succeeding primary election held 8297  
in the county in even-numbered years, occurring subsequent to 8298  
seventy-five days after the auditor certifies the sufficiency and 8299  
validity of the petition to the board of elections. 8300

No resolution shall go into effect until approved by the 8301  
majority of those voting upon it. However, a rule shall take 8302  
effect and remain in effect unless and until a majority of the 8303  
electors voting on the question of repeal approve the repeal. 8304  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 8305  
county, after the passage of any resolution or adoption of any 8306  
rule, from proceeding at once to give any notice or make any 8307  
publication required by the resolution or rule. 8308

The board of county commissioners shall make available to any 8309  
person, upon request, a certified copy of any resolution or rule 8310  
subject to the procedure for submitting a referendum under 8311  
sections 305.31 to 305.42 of the Revised Code beginning on the 8312

date the resolution or rule is adopted by the board. The board may 8313  
charge a fee for the cost of copying the resolution or rule. 8314

As used in this section, "certified copy" means a copy 8315  
containing a written statement attesting that it is a true and 8316  
exact reproduction of the original resolution or rule. 8317

**Sec. 307.672.** (A) As used in this section: 8318

(1) "Bonds" means general obligation bonds, or notes in 8319  
anticipation thereof, of the county described in division 8320  
(B)(1)(b) of this section, and general obligation bonds, or notes 8321  
in anticipation thereof, of the host municipal corporation 8322  
described in division (B)(2)(a) of this section. 8323

(2) "Corporation" means a nonprofit corporation that is 8324  
organized under the laws of this state and that includes within 8325  
the purposes for which it is incorporated the authorization to 8326  
lease and operate facilities such as a municipal educational and 8327  
cultural facility. 8328

(3) "Debt service charges" means, for any period or payable 8329  
at any time, the principal of and interest and any premium due on 8330  
bonds for that period or payable at that time whether due at 8331  
maturity or upon mandatory redemption, together with any required 8332  
deposits to reserves for the payment of principal of and interest 8333  
on such bonds. 8334

(4) "Host municipal corporation" means the municipal 8335  
corporation within the boundaries of which a municipal educational 8336  
and cultural facility is or will be located. 8337

(5) "Municipal educational and cultural facility" means a 8338  
facility that may consist of a museum, archives, library, hall of 8339  
fame, center for contemporary music, or other facilities necessary 8340  
to provide programs of an educational, recreational, and cultural 8341  
nature, together with all parking facilities, walkways, and other 8342

auxiliary facilities, real and personal property, property rights, 8343  
easements, and interests that may be appropriate for, or used in 8344  
connection with, the operation of the facility. 8345

(B) The legislative authorities of a county and a host 8346  
municipal corporation may enter into a cooperative agreement with 8347  
a corporation, under which: 8348

(1) The legislative authority of the county agrees to: 8349

(a) Levy a tax under division (E) of section 5739.09 of the 8350  
Revised Code, for a period not to exceed fifteen years unless 8351  
extended under that division for an additional period of time, to 8352  
pay the costs of acquiring, constructing, equipping, and improving 8353  
a municipal educational and cultural facility, including the debt 8354  
service charges on bonds; 8355

(b) Issue bonds of the county pursuant to Chapter 133. of the 8356  
Revised Code for the purpose of acquiring, constructing, 8357  
equipping, and improving a municipal educational and cultural 8358  
facility; 8359

(c) Contribute revenue from the tax and the proceeds from the 8360  
bonds described in divisions (B)(1)(a) and (b) of this section to 8361  
the host municipal corporation for the purpose of acquiring, 8362  
constructing, equipping, and improving a municipal educational and 8363  
cultural facility; 8364

(2) The host municipal corporation agrees to: 8365

(a) Issue bonds of the host municipal corporation pursuant to 8366  
Chapter 133. of the Revised Code for the purpose of acquiring, 8367  
constructing, equipping, and improving a municipal educational and 8368  
cultural facility; 8369

(b) Acquire, construct, equip, and improve a municipal 8370  
educational and cultural facility; 8371

(c) Accept from the county pursuant to the cooperative 8372

agreement the revenues of the tax and the proceeds of the bonds	8373
described in divisions (B)(1)(a) and (b) of this section;	8374
(d) Lease a municipal educational and cultural facility to	8375
the corporation, or contract with the corporation for the	8376
operation and maintenance of the facility;	8377
(e) To the extent provided for in the cooperative agreement	8378
or the lease or contract with the corporation, authorize the	8379
corporation to administer on behalf of the host municipal	8380
corporation the contracts for acquiring, constructing, equipping,	8381
and improving a municipal educational and cultural facility.	8382
(3) The corporation agrees to:	8383
(a) Either lease the municipal educational and cultural	8384
facility from the host municipal corporation and operate and	8385
maintain the facility pursuant to the lease, or enter into a	8386
contract with the host municipal corporation pursuant to which the	8387
corporation shall operate and maintain the facility on behalf of	8388
the host municipal corporation;	8389
(b) To the extent provided for in the cooperative agreement	8390
or the lease or contract with the host municipal corporation,	8391
administer on behalf of the host municipal corporation the	8392
contracts for acquiring, constructing, equipping, or improving a	8393
municipal educational and cultural facility.	8394
(C) A tax levied pursuant to division (E) of section 5739.09	8395
of the Revised Code, the revenue from which is to be used to pay	8396
debt service charges on bonds described in division (B)(1) or (2)	8397
of this section is not subject to diminution by initiative or	8398
referendum or diminution by statute, unless provision is made	8399
therein for an adequate substitute therefor reasonably	8400
satisfactory to the legislative authorities of the host municipal	8401
corporation and the county.	8402
(D) The legislative authorities of a county and a host	8403

municipal corporation that have entered into a cooperative 8404  
agreement with a corporation pursuant to division (B) of this 8405  
section may amend that cooperative agreement, with the 8406  
participation of the corporation and a port authority as defined 8407  
in section 307.674 of the Revised Code, to provide also for a port 8408  
authority educational and cultural performing arts facility in 8409  
accordance with section 307.674 of the Revised Code. Such an 8410  
amendment shall become effective only to the extent that the tax 8411  
levied under division (E) of section 5739.09 of the Revised Code 8412  
is not needed for the duration of the original tax to pay costs of 8413  
the municipal educational and cultural facility, including debt 8414  
service charges on related bonds, as determined by the parties to 8415  
the amendment. The tax may be pledged and paid by the parties to 8416  
the amendment for the balance of the duration of the tax to a port 8417  
authority educational and cultural performing arts facility. 8418

**Sec. 307.695.** (A) As used in this section: 8419

(1) "Arena" means any structure designed and constructed for 8420  
the purpose of providing a venue for public entertainment and 8421  
recreation by the presentation of concerts, sporting and athletic 8422  
events, and other events and exhibitions, including facilities 8423  
intended to house or provide a site for one or more athletic or 8424  
sports teams or activities, spectator facilities, parking 8425  
facilities, walkways, and auxiliary facilities, real and personal 8426  
property, property rights, easements, leasehold estates, and 8427  
interests that may be appropriate for, or used in connection with, 8428  
the operation of the arena. 8429

(2) "Convention center" means any structure expressly 8430  
designed and constructed for the purposes of presenting 8431  
conventions, public meetings, and exhibitions and includes parking 8432  
facilities that serve the center and any personal property used in 8433  
connection with any such structure or facilities. 8434

(3) "Eligible county" means a county having a population of 8435  
at least four hundred thousand but not more than eight hundred 8436  
thousand according to the 2000 federal decennial census and that 8437  
directly borders the geographic boundaries of another state. 8438

(4) "Entity" means a nonprofit corporation, a municipal 8439  
corporation, a port authority created under Chapter 4582. of the 8440  
Revised Code, or a convention facilities authority created under 8441  
Chapter 351. of the Revised Code. 8442

(5) "Lodging taxes" means excise taxes levied under division 8443  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 8444  
the revenues arising therefrom. 8445

(6) "Nonprofit corporation" means a nonprofit corporation 8446  
that is organized under the laws of this state and that includes 8447  
within the purposes for which it is incorporated the authorization 8448  
to lease and operate facilities such as a convention center or an 8449  
arena or a combination of an arena and convention center. 8450

(7) "Project" means acquiring, constructing, reconstructing, 8451  
renovating, rehabilitating, expanding, adding to, equipping, 8452  
furnishing or otherwise improving an arena, a convention center, 8453  
or a combination of an arena and convention center. For purposes 8454  
of this section, a project is a permanent improvement for one 8455  
purpose under Chapter 133. of the Revised Code. 8456

(8) "Project revenues" means money received by ~~an eligible a~~ 8457  
county with a population greater than four hundred thousand but 8458  
less than five hundred thousand, other than money from taxes or 8459  
from the proceeds of securities secured by taxes, in connection 8460  
with, derived from, related to, or resulting from a project, 8461  
including, but not limited to, rentals and other payments received 8462  
under a lease or agreement with respect to the project, ticket 8463  
charges or surcharges for admission to events at a project, 8464  
charges or surcharges for parking for events at a project, charges 8465

for the use of a project or any portion of a project, including 8466  
suites and seating rights, the sale of naming rights for the 8467  
project or a portion of the project, unexpended proceeds of any 8468  
county revenue bonds issued for the project, and any income and 8469  
profit from the investment of the proceeds of any such revenue 8470  
bonds or any project revenues. 8471

(9) "Chapter 133. securities," "debt charges," "general 8472  
obligation," "legislation," "one purpose," "outstanding," 8473  
"permanent improvement," "person," and "securities" have the 8474  
meanings given to those terms in section 133.01 of the Revised 8475  
Code. 8476

(B) A board of county commissioners may enter into an 8477  
agreement with a convention and visitors' bureau operating in the 8478  
county under which: 8479

(1) The bureau agrees to construct and equip a convention 8480  
center in the county and to pledge and contribute from the tax 8481  
revenues received by it under division (A) of section 5739.09 of 8482  
the Revised Code, not more than such portion thereof that it is 8483  
authorized to pledge and contribute for the purpose described in 8484  
division (C) of this section; and 8485

(2) The board agrees to levy a tax under division (C) of 8486  
section 5739.09 of the Revised Code and pledge and contribute the 8487  
revenues therefrom for the purpose described in division (C) of 8488  
this section. 8489

(C) The purpose of the pledges and contributions described in 8490  
divisions (B)(1) and (2) of this section is payment of principal, 8491  
interest, and premium, if any, on bonds and notes issued by or for 8492  
the benefit of the bureau to finance the construction and 8493  
equipping of a convention center. The pledges and contributions 8494  
provided for in the agreement shall be for the period stated in 8495  
the agreement. Revenues determined from time to time by the board 8496



to be needed to cover the real and actual costs of administering 8497  
the tax imposed by division (C) of section 5739.09 of the Revised 8498  
Code may not be pledged or contributed. The agreement shall 8499  
provide that any such bonds and notes shall be secured by a trust 8500  
agreement between the bureau or other issuer acting for the 8501  
benefit of the bureau and a corporate trustee that is a trust 8502  
company or bank having the powers of a trust company within or 8503  
without the state, and the trust agreement shall pledge or assign 8504  
to the retirement of the bonds or notes, all moneys paid by the 8505  
county under this section. A tax the revenues from which are 8506  
pledged under an agreement entered into by a board of county 8507  
commissioners under this section shall not be subject to 8508  
diminution by initiative or referendum, or diminution by statute, 8509  
unless provision is made therein for an adequate substitute 8510  
therefor reasonably satisfactory to the trustee under the trust 8511  
agreement that secures the bonds and notes. 8512

(D) A pledge of money by a county under division (B) of this 8513  
section shall not be indebtedness of the county for purposes of 8514  
Chapter 133. of the Revised Code. 8515

(E) If the terms of the agreement so provide, the board of 8516  
county commissioners may acquire and lease real property to the 8517  
convention bureau as the site of the convention center. The lease 8518  
shall be on such terms as are set forth in the agreement. The 8519  
purchase and lease are not subject to the limitations of sections 8520  
307.02 and 307.09 of the Revised Code. 8521

(F) In addition to the authority granted to a board of county 8522  
commissioners under divisions (B) to (E) of this section, a board 8523  
of county commissioners in a county with a population of one 8524  
million two hundred thousand or more ~~may establish and provide~~ 8525  
~~local funding options for constructing and equipping, or a county~~ 8526  
with a population greater than four hundred thousand but less than 8527  
five hundred thousand, may purchase, for cash or by installment 8528

payments, enter into lease-purchase agreements for, lease with an 8529  
option to purchase, lease, construct, enlarge, improve, rebuild, 8530  
equip, or furnish a convention center. 8531

(G) The board of county commissioners of ~~an eligible~~ a county 8532  
with a population greater than four hundred thousand but less than 8533  
five hundred thousand may undertake, finance, operate, and 8534  
maintain a project. The board may lease a project to an entity on 8535  
terms that the board determines to be in the best interest of the 8536  
county and in furtherance of the public purpose of the project; 8537  
the lease may be for a term of thirty-five years or less and may 8538  
provide for an option of the entity to renew the lease for a term 8539  
of thirty-five years or less. The board may enter into an 8540  
agreement with an entity with respect to a project on terms that 8541  
the board determines to be in the best interest of the county and 8542  
in furtherance of the public purpose of the project. To the extent 8543  
provided for in an agreement or a lease with an entity, the board 8544  
may authorize the entity to administer on behalf of the board any 8545  
contracts for the project. The board may enter into an agreement 8546  
providing for the sale to a person of naming rights to a project 8547  
or portion of a project, for a period, for consideration, and on 8548  
other terms and conditions that the board determines to be in the 8549  
best interest of the county and in furtherance of the public 8550  
purpose of the project. The board may enter into an agreement with 8551  
a person owning or operating a professional athletic or sports 8552  
team providing for the use by that person of a project or portion 8553  
of a project for that team's offices, training, practices, and 8554  
home games for a period, for consideration, and on other terms and 8555  
conditions that the board determines to be in the best interest of 8556  
the county and in furtherance of the public purpose of the 8557  
project. The board may establish ticket charges or surcharges for 8558  
admission to events at a project, charges or surcharges for 8559  
parking for events at a project, and charges for the use of a 8560  
project or any portion of a project, including suites and seating 8561

rights, and may, as necessary, enter into agreements related 8562  
thereto with persons for a period, for consideration, and on other 8563  
terms and conditions that the board determines to be in the best 8564  
interest of the county and in furtherance of the public purpose of 8565  
the project. A lease or agreement authorized by this division is 8566  
not subject to sections 307.02, 307.09, and 307.12 of the Revised 8567  
Code. 8568

(H) Notwithstanding any contrary provision in Chapter 5739. 8569  
of the Revised Code, after adopting a resolution declaring it to 8570  
be in the best interest of the county to undertake a project as 8571  
described in division (G) of this section, the board of county 8572  
commissioners of an eligible county may adopt a resolution 8573  
enacting or increasing any lodging taxes within the limits 8574  
specified in Chapter 5739. of the Revised Code with respect to 8575  
those lodging taxes and amending any prior resolution under which 8576  
any of its lodging taxes have been imposed in order to provide 8577  
that those taxes, after deducting the real and actual costs of 8578  
administering the taxes and any portion of the taxes returned to 8579  
any municipal corporation or township as provided in division 8580  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8581  
the board for the purposes of undertaking, financing, operating, 8582  
and maintaining the project, including paying debt charges on any 8583  
securities issued by the board under division (I) of this section, 8584  
or to make contributions to the convention and visitors' bureau 8585  
operating within the county, or to promote, advertise, and market 8586  
the region in which the county is located, all as the board may 8587  
determine and make appropriations for from time to time, subject 8588  
to the terms of any pledge to the payment of debt charges on 8589  
outstanding general obligation securities or special obligation 8590  
securities authorized under division (I) of this section. A 8591  
resolution adopted under division (H) of this section shall be 8592  
adopted not earlier than January 15, 2007, and not later than 8593  
January 15, 2008. 8594

A resolution adopted under division (H) of this section may direct the board of elections to submit the question of enacting or increasing lodging taxes, as the case may be, to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than seventy-five days after a certified copy of the resolution is transmitted to the board of elections and no later than January 15, 2008. A resolution submitted to the electors under this division shall not go into effect unless it is approved by a majority of those voting upon it. A resolution adopted under division (H) of this section that is not submitted to the electors of the county for their approval or disapproval is subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

A resolution adopted under division (H) of this section takes effect upon its adoption, unless the resolution is submitted to the electors of the county for their approval or disapproval, in which case the resolution takes effect on the date the board of county commissioners receives notification from the board of elections of the affirmative vote. Lodging taxes received after the effective date of the resolution may be used for the purposes described in division (H) of this section, except that lodging taxes that have been pledged to the payment of debt charges on any bonds or notes issued by or for the benefit of a convention and visitors' bureau under division (C) of this section shall be used exclusively for that purpose until such time as the bonds or notes are no longer outstanding under the trust agreement securing those bonds or notes.

(I)(1) 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 issue the following securities of the county for the purpose of paying costs of the project,

refunding any outstanding county securities issued for that 8627  
purpose, refunding any outstanding bonds or notes issued by or for 8628  
the benefit of the bureau under division (C) of this section, or 8629  
for any combination of those purposes: 8630

(a) General obligation securities issued under Chapter 133. 8631  
of the Revised Code. The resolution authorizing these securities 8632  
may include covenants to appropriate annually from lawfully 8633  
available lodging taxes, and to continue to levy and collect those 8634  
lodging taxes in, amounts necessary to meet the debt charges on 8635  
those securities. 8636

(b) Special obligation securities issued under Chapter 133. 8637  
of the Revised Code that are secured only by lawfully available 8638  
lodging taxes and any other taxes and revenues pledged to pay the 8639  
debt charges on those securities, except ad valorem property 8640  
taxes. The resolution authorizing those securities shall include a 8641  
pledge of and covenants to appropriate annually from lawfully 8642  
available lodging taxes and any other taxes and revenues pledged 8643  
for such purpose, and to continue to collect any of those revenues 8644  
pledged for such purpose and to levy and collect those lodging 8645  
taxes and any other taxes pledged for such purpose, in amounts 8646  
necessary to meet the debt charges on those securities. The pledge 8647  
is valid and binding from the time the pledge is made, and the 8648  
lodging taxes so pledged and thereafter received by the county are 8649  
immediately subject to the lien of the pledge without any physical 8650  
delivery of the lodging taxes or further act. The lien of any 8651  
pledge is valid and binding as against all parties having claims 8652  
of any kind in tort, contract, or otherwise against the county, 8653  
regardless of whether such parties have notice of the lien. 8654  
Neither the resolution nor any trust agreement by which a pledge 8655  
is created or further evidenced is required to be filed or 8656  
recorded except in the records of the board. The special 8657  
obligation securities shall contain a statement on their face to 8658

the effect that they are not general obligation securities, and, 8659  
unless paid from other sources, are payable from the pledged 8660  
lodging taxes. 8661

(c) Revenue securities authorized under section 133.08 of the 8662  
Revised Code and issued under Chapter 133. of the Revised Code 8663  
that are secured only by lawfully available project revenues 8664  
pledged to pay the debt charges on those securities. 8665

(2) The securities described in division (I)(1) of this 8666  
section are subject to Chapter 133. of the Revised Code. 8667

(3) Section 133.34 of the Revised Code, except for division 8668  
(A) of that section, applies to the issuance of any refunding 8669  
securities authorized under this division. In lieu of division (A) 8670  
of section 133.34 of the Revised Code, the board of county 8671  
commissioners shall establish the maturity date or dates, the 8672  
interest payable on, and other terms of refunding securities as it 8673  
considers necessary or appropriate for their issuance, provided 8674  
that the final maturity of refunding securities shall not exceed 8675  
by more than ten years the final maturity of any bonds refunded by 8676  
refunding securities. 8677

(4) The board may not repeal, rescind, or reduce all or any 8678  
portion of any lodging taxes pledged to the payment of debt 8679  
charges on any outstanding special obligation securities 8680  
authorized under this division, and no portion of any lodging 8681  
taxes that is pledged, or that the board has covenanted to levy, 8682  
collect, and appropriate annually to pay debt charges on any 8683  
outstanding securities authorized under this division is subject 8684  
to repeal, rescission, or reduction by the electorate of the 8685  
county. 8686

**Sec. 307.98.** ~~Boards~~ As used in this section, "county grantee" 8687  
has the same meaning as in section 5101.21 of the Revised Code. 8688

8689

Each board of county commissioners ~~may~~ and each other county 8690  
grantee of the county shall jointly enter into one or more written 8691  
~~fiscal grant~~ agreements with the director of job and family 8692  
services in accordance with section 5101.21 of the Revised Code. 8693  
~~If a board enters into a fiscal agreement, the~~ The board of county 8694  
commissioners shall enter into the agreement on behalf of the 8695  
county family services agencies, other than a county family 8696  
services agency that is a county ~~signer as defined in section~~ 8697  
~~5101.21 of the Revised Code~~ grantee. 8698

**Sec. 307.981.** (A)(1) As used in the Revised Code: 8699

(a) "County family services agency" means all of the 8700  
following: 8701

(i) A child support enforcement agency; 8702

(ii) A county department of job and family services; 8703

(iii) A public children services agency. 8704

(b) "Family services duty" means a duty state law requires or 8705  
allows a county family services agency to assume, including 8706  
financial and general administrative duties. "Family services 8707  
duty" does not include a duty funded by the United States 8708  
department of labor. 8709

(2) As used in sections 307.981 to 307.989 of the Revised 8710  
Code, "private entity" means an entity other than a government 8711  
entity. 8712

(B) To the extent permitted by federal law, including, when 8713  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8714  
limitations established by the Revised Code, including division 8715  
(H) of this section, a board of county commissioners may designate 8716  
any private or government entity within this state to serve as any 8717  
of the following: 8718

(1) A child support enforcement agency; 8719

- (2) A county department of job and family services; 8720
- (3) A public children services agency; 8721
- (4) A county department of job and family services and one 8722  
other of those county family services agencies; 8723
- (5) All three of those county family services agencies. 8724
- (C) To the extent permitted by federal law, including, when 8725  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8726  
limitations of the Revised Code, including division (H) of this 8727  
section, a board of county commissioners may change the 8728  
designation it makes under division (B) of this section by 8729  
designating another private or government entity. 8730
- (D) If a designation under division (B) or (C) of this 8731  
section constitutes a change from the designation in a ~~fiscal~~ 8732  
grant agreement between the director of job and family services 8733  
and the board under sections 307.98 and 5101.21 of the Revised 8734  
Code, the director may require that the director and board amend 8735  
the ~~fiscal~~ grant agreement and that the board provide the director 8736  
written assurances that the newly designated private or government 8737  
entity will meet or exceed all requirements of the family services 8738  
duties the entity is to assume. 8739
- (E) Not less than sixty days before a board of county 8740  
commissioners designates an entity under division (B) or (C) of 8741  
this section, the board shall notify the director of job and 8742  
family services and publish notice in a newspaper of general 8743  
circulation in the county of the board's intention to make the 8744  
designation and reasons for the designation. 8745
- (F) A board of county commissioners shall enter into a 8746  
written contract with each entity it designates under division (B) 8747  
or (C) of this section specifying the entity's responsibilities 8748  
and standards the entity is required to meet. 8749



(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.

**Sec. 308.04.** Within sixty days after a regional airport authority has been created under section 308.03 of the Revised Code, the board of trustees for such regional airport authority

shall be appointed as provided in the resolution creating it. 8781

Each member of the board of trustees, before entering upon 8782  
~~his~~ the member's official duties, shall take and subscribe to an 8783  
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8784  
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8785  
member will not be interested directly or indirectly in any 8786  
contract let by the regional airport authority. Any contract let 8787  
by the regional airport authority in which a member of the board 8788  
of trustees is directly or indirectly interested is void and 8789  
unenforceable. 8790

After each member of the board has taken the oath as 8791  
prescribed by this section the board shall meet and organize by 8792  
electing one of its members as president and another as 8793  
vice-president, who shall hold their respective offices until the 8794  
next annual meeting of the board as provided in its bylaws. At 8795  
each annual meeting thereafter the board shall elect from its 8796  
membership a president and a vice-president who shall serve for a 8797  
term of one year. 8798

The board shall appoint and fix the compensation of a 8799  
secretary-treasurer, who shall not be a member of the board and 8800  
who shall serve at the pleasure of the board. 8801

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 8802  
of this section, the county recorder shall keep six separate sets 8803  
of records as follows: 8804

(1) A record of deeds, in which shall be recorded all deeds 8805  
and other instruments of writing for the absolute and 8806  
unconditional sale or conveyance of lands, tenements, and 8807  
hereditaments; all notices as provided in sections 5301.47 to 8808  
5301.56 of the Revised Code; all judgments or decrees in actions 8809  
brought under section 5303.01 of the Revised Code; all 8810  
declarations and bylaws, and all amendments to declarations and 8811

bylaws, as provided in Chapter 5311. of the Revised Code; 8812  
affidavits as provided in sections 5301.252 and 5301.56 of the 8813  
Revised Code; all certificates as provided in section 5311.17 of 8814  
the Revised Code; all articles dedicating archaeological preserves 8815  
accepted by the director of the Ohio historical society under 8816  
section 149.52 of the Revised Code; all articles dedicating nature 8817  
preserves accepted by the director of natural resources under 8818  
section 1517.05 of the Revised Code; all agreements for the 8819  
registration of lands as archaeological or historic landmarks 8820  
under section 149.51 or 149.55 of the Revised Code; all 8821  
conveyances of conservation easements and agricultural easements 8822  
under section 5301.68 of the Revised Code; all instruments 8823  
extinguishing agricultural easements under section 901.21 or 8824  
5301.691 of the Revised Code or pursuant to terms of such an 8825  
easement granted to a charitable organization under section 8826  
5301.68 of the Revised Code; all instruments or orders described 8827  
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8828  
no further action letters issued under section 122.654 or 3746.11 8829  
of the Revised Code; all covenants not to sue issued under section 8830  
3746.12 of the Revised Code, including all covenants not to sue 8831  
issued pursuant to section 122.654 of the Revised Code; any 8832  
restrictions on the use of property contained in a no further 8833  
action letter issued under section 122.654 of the Revised Code, 8834  
any restrictions on the use of property identified pursuant to 8835  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8836  
restrictions on the use of property contained in a deed or other 8837  
instrument as provided in division (E) or (F) of section 3737.882 8838  
of the Revised Code; any easement executed or granted under 8839  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8840  
any environmental covenant entered into in accordance with 8841  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8842  
trust, as described in division (A) of section 5301.255 of the 8843  
Revised Code, that describe specific real property; and all 8844

agreements entered into under division (A) of section ~~1521.26~~ 8845  
1506.44 of the Revised Code; 8846

(2) A record of mortgages, in which shall be recorded all of 8847  
the following: 8848

(a) All mortgages, including amendments, supplements, 8849  
modifications, and extensions of mortgages, or other instruments 8850  
of writing by which lands, tenements, or hereditaments are or may 8851  
be mortgaged or otherwise conditionally sold, conveyed, affected, 8852  
or encumbered; 8853

(b) All executory installment contracts for the sale of land 8854  
executed after September 29, 1961, that by their terms are not 8855  
required to be fully performed by one or more of the parties to 8856  
them within one year of the date of the contracts; 8857

(c) All options to purchase real estate, including 8858  
supplements, modifications, and amendments of the options, but no 8859  
option of that nature shall be recorded if it does not state a 8860  
specific day and year of expiration of its validity; 8861

(d) Any tax certificate sold under section 5721.33 of the 8862  
Revised Code, or memorandum of it, that is presented for filing of 8863  
record. 8864

(3) A record of powers of attorney, including all memoranda 8865  
of trust, as described in division (A) of section 5301.255 of the 8866  
Revised Code, that do not describe specific real property; 8867

(4) A record of plats, in which shall be recorded all plats 8868  
and maps of town lots, of the subdivision of town lots, and of 8869  
other divisions or surveys of lands, any center line survey of a 8870  
highway located within the county, the plat of which shall be 8871  
furnished by the director of transportation or county engineer, 8872  
and all drawings and amendments to drawings, as provided in 8873  
Chapter 5311. of the Revised Code; 8874

(5) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the records required in division (D) of this section, a county recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this section. The second set of records shall contain the instruments

listed in division (A)(4) of this section. 8907

(D) Except as provided in division (C) of this section, the 8908  
county recorder shall keep a separate set of records containing 8909  
all corrupt activity lien notices filed with the recorder pursuant 8910  
to section 2923.36 of the Revised Code and a separate set of 8911  
records containing all medicaid fraud lien notices filed with the 8912  
recorder pursuant to section 2933.75 of the Revised Code. 8913

**Sec. 319.202.** Before the county auditor indorses any real 8914  
property conveyance or manufactured or mobile home conveyance 8915  
presented to the auditor pursuant to section 319.20 of the Revised 8916  
Code or registers any manufactured or mobile home conveyance 8917  
pursuant to section 4503.061 of the Revised Code, the grantee or 8918  
the grantee's representative shall submit in triplicate a 8919  
statement, prescribed by the tax commissioner, and other 8920  
information as the county auditor may require, declaring the value 8921  
of real property or manufactured or mobile home conveyed, except 8922  
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8923  
section 319.54 of the Revised Code only a statement of the reason 8924  
for the exemption shall be required. Each statement submitted 8925  
under this section shall contain the information required under 8926  
divisions (A) and (B) of this section. 8927

(A) Each statement submitted under this section shall either: 8928

(1) Contain an affirmation by the grantee that the grantor 8929  
has been asked by the grantee or the grantee's representative 8930  
whether to the best of the grantor's knowledge either the 8931  
preceding or the current year's taxes on the real property or the 8932  
current or following year's taxes on the manufactured or mobile 8933  
home conveyed will be reduced under division (A) of section 8934  
323.152 or under section 4503.065 of the Revised Code and that the 8935  
grantor indicated that to the best of the grantor's knowledge the 8936  
taxes will not be so reduced; or 8937

(2) Be accompanied by a sworn or affirmed instrument stating:	8938
(a) To the best of the grantor's knowledge the real property	8939
or the manufactured or mobile home that is the subject of the	8940
conveyance is eligible for and will receive a reduction in taxes	8941
for or payable in the current year under division (A) of section	8942
323.152 or under section 4503.065 of the Revised Code and that the	8943
reduction or reductions will be reflected in the grantee's taxes;	8944
(b) The estimated amount of such reductions that will be	8945
reflected in the grantee's taxes;	8946
(c) That the grantor and the grantee have considered and	8947
accounted for the total estimated amount of such reductions to the	8948
satisfaction of both the grantee and the grantor. The auditor	8949
shall indorse the instrument, return it to the grantee or the	8950
grantee's representative, and provide a copy of the indorsed	8951
instrument to the grantor or the grantor's representative.	8952
(B) Each statement submitted under this section shall either:	8953
(1) Contain an affirmation by the grantee that the grantor	8954
has been asked by the grantee or the grantee's representative	8955
whether to the best of the grantor's knowledge the real property	8956
conveyed qualified for the current agricultural use valuation	8957
under section 5713.30 of the Revised Code either for the preceding	8958
or the current year and that the grantor indicated that to the	8959
best of the grantor's knowledge the property conveyed was not so	8960
qualified; or	8961
(2) Be accompanied by a sworn or affirmed instrument stating:	8962
(a) To the best of the grantor's knowledge the real property	8963
conveyed was qualified for the current agricultural use valuation	8964
under section 5713.30 of the Revised Code either for the preceding	8965
or the current year;	8966
(b) To the extent that the property will not continue to	8967

qualify for the current agricultural use valuation either for the 8968  
current or the succeeding year, that the property will be subject 8969  
to a recoupment charge equal to the tax savings in accordance with 8970  
section 5713.34 of the Revised Code; 8971

(c) That the grantor and the grantee have considered and 8972  
accounted for the total estimated amount of such recoupment, if 8973  
any, to the satisfaction of both the grantee and the grantor. The 8974  
auditor shall indorse the instrument, forward it to the grantee or 8975  
the grantee's representative, and provide a copy of the indorsed 8976  
instrument to the grantor or the grantor's representative. 8977

(C) The grantor shall pay the fee required by division 8978  
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 8979  
the board of county commissioners of the county has levied a real 8980  
property or a manufactured home transfer tax pursuant to Chapter 8981  
322. of the Revised Code, the amount required by the real property 8982  
or manufactured home transfer tax so levied. If the conveyance is 8983  
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 8984  
319.54 of the Revised Code and the tax, if any, levied pursuant to 8985  
Chapter 322. of the Revised Code, the reason for such exemption 8986  
shall be shown on the statement. "Value" means, in the case of any 8987  
deed or certificate of title not a gift in whole or part, the 8988  
amount of the full consideration therefor, paid or to be paid for 8989  
the real estate or manufactured or mobile home described in the 8990  
deed or title, including the amount of any mortgage or vendor's 8991  
lien thereon. If property sold under a land installment contract 8992  
is conveyed by the seller under such contract to a third party and 8993  
the contract has been of record at least twelve months prior to 8994  
the date of conveyance, "value" means the unpaid balance owed to 8995  
the seller under the contract at the time of the conveyance, but 8996  
the statement shall set forth the amount paid under such contract 8997  
prior to the date of conveyance. In the case of a gift in whole or 8998  
part, "value" means the estimated price the real estate or 8999



manufactured or mobile home described in the deed or certificate 9000  
of title would bring in the open market and under the then 9001  
existing and prevailing market conditions in a sale between a 9002  
willing seller and a willing buyer, both conversant with the 9003  
property and with prevailing general price levels. No person shall 9004  
willfully falsify the value of property conveyed. 9005

(D) The auditor shall indorse each conveyance on its face to 9006  
indicate the amount of the conveyance fee and compliance with this 9007  
section and if the property is residential rental property include 9008  
a statement that the grantee shall file with the county auditor 9009  
the information required under division (A) or (C) of section 9010  
5323.02 of the Revised Code. The auditor shall retain the original 9011  
copy of the statement of value, forward to the tax commissioner 9012  
one copy on which shall be noted the most recent assessed value of 9013  
the property, and furnish one copy to the grantee or the grantee's 9014  
representative. 9015

(E) In order to achieve uniform administration and collection 9016  
of the transfer fee required by division ~~(F)~~(G)(3) of section 9017  
319.54 of the Revised Code, the tax commissioner shall adopt and 9018  
promulgate rules for the administration and enforcement of the 9019  
levy and collection of such fee. 9020

(F) As used in this section, "residential rental property" 9021  
has the same meaning as in section 5323.01 of the Revised Code. 9022

**Sec. 319.54.** (A) On all moneys collected by the county 9023  
treasurer on any tax duplicate of the county, other than estate 9024  
tax duplicates, and on all moneys received as advance payments of 9025  
personal property and classified property taxes, the county 9026  
auditor, on settlement with the treasurer and tax commissioner, on 9027  
or before the date prescribed by law for such settlement or any 9028  
lawful extension of such date, shall be allowed as compensation 9029  
for the county auditor's services the following percentages: 9030

(1) On the first one hundred thousand dollars, two and one-half per cent; 9031  
9032

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent; 9033  
9034

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent; 9035  
9036

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent. 9037  
9038

If any settlement is not made on or before the date 9039  
prescribed by law for such settlement or any lawful extension of 9040  
such date, the aggregate compensation allowed to the auditor shall 9041  
be reduced one per cent for each day such settlement is delayed 9042  
after the prescribed date. No penalty shall apply if the auditor 9043  
and treasurer grant all requests for advances up to ninety per 9044  
cent of the settlement pursuant to section 321.34 of the Revised 9045  
Code. The compensation allowed in accordance with this section on 9046  
settlements made before the dates prescribed by law, or the 9047  
reduced compensation allowed in accordance with this section on 9048  
settlements made after the date prescribed by law or any lawful 9049  
extension of such date, shall be apportioned ratably by the 9050  
auditor and deducted from the shares or portions of the revenue 9051  
payable to the state as well as to the county, townships, 9052  
municipal corporations, and school districts. 9053

(B) For the purpose of reimbursing county auditors for the 9054  
expenses associated with the increased number of applications for 9055  
reductions in real property taxes under sections 323.152 and 9056  
4503.065 of the Revised Code that results from the amendment of 9057  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 9058  
on the first day of August of each year there shall be paid from 9059  
the state's general revenue fund to the county treasury to the 9060  
credit of the real estate assessment fund created by section 9061

325.31 of the Revised Code an amount equal to one per cent of the 9062  
total annual amount of property tax relief reimbursement paid to 9063  
that county under sections 323.156 and 4503.068 of the Revised 9064  
Code for the preceding tax year. 9065

(C) From all moneys collected by the county treasurer on any 9066  
tax duplicate of the county, other than estate tax duplicates, and 9067  
on all moneys received as advance payments of personal property 9068  
and classified property taxes, there shall be paid into the county 9069  
treasury to the credit of the real estate assessment fund created 9070  
by section 325.31 of the Revised Code, an amount to be determined 9071  
by the county auditor, which shall not exceed the ~~following~~ 9072  
percentages prescribed in divisions (C)(1) and (2) of this 9073  
section. 9074

(1) ~~On~~ For payments made after June 30, 2007, and before 9075  
2011, the following percentages: 9076

(a) ~~On~~ the first ~~one~~ five hundred thousand dollars, ~~three and~~ 9077  
~~one-half~~ four per cent; 9078

~~(2)~~(b) ~~On~~ the next ~~three~~ five million dollars, ~~one and~~ 9079  
~~three-eighths~~ two per cent; 9080

~~(3)~~(c) ~~On~~ the next ~~three~~ five million dollars, one per cent; 9081

~~(4)~~(d) ~~On~~ all further sums not exceeding one hundred fifty 9082  
million dollars, three-quarters of one per cent; 9083

~~(5)~~(e) ~~On~~ amounts exceeding one hundred fifty million 9084  
dollars, ~~six-tenths~~ five hundred eighty-five thousandths of one 9085  
per cent. 9086

(2) For payments made in or after 2011, the following 9087  
percentages: 9088

(a) On the first five hundred thousand dollars, four per 9089  
cent; 9090

(b) On the next ten million dollars, two per cent; 9091

(c) On amounts exceeding ten million five hundred thousand 9092  
dollars, three-fourths of one per cent. 9093

Such compensation shall be apportioned ratably by the auditor 9094  
and deducted from the shares or portions of the revenue payable to 9095  
the state as well as to the county, townships, municipal 9096  
corporations, and school districts. 9097

~~(C)~~(D) Each county auditor shall receive four per cent of the 9098  
amount of tax collected and paid into the county treasury, on 9099  
property omitted and placed by the county auditor on the tax 9100  
duplicate. 9101

~~(D)~~(E) On all estate tax moneys collected by the county 9102  
treasurer, the county auditor, on settlement semiannually with the 9103  
tax commissioner, shall be allowed, as compensation for the 9104  
auditor's services under Chapter 5731. of the Revised Code, the 9105  
following percentages: 9106

(1) Four per cent on the first one hundred thousand dollars; 9107

(2) One-half of one per cent on all additional sums. 9108

Such percentages shall be computed upon the amount collected 9109  
and reported at each semiannual settlement, and shall be for the 9110  
use of the general fund of the county. 9111

~~(E)~~(F) On all cigarette license moneys collected by the 9112  
county treasurer, the county auditor, on settlement semiannually 9113  
with the treasurer, shall be allowed as compensation for the 9114  
auditor's services in the issuing of such licenses one-half of one 9115  
per cent of such moneys, to be apportioned ratably and deducted 9116  
from the shares of the revenue payable to the county and 9117  
subdivisions, for the use of the general fund of the county. 9118

~~(F)~~(G) The county auditor shall charge and receive fees as 9119  
follows: 9120

(1) For deeds of land sold for taxes to be paid by the 9121

purchaser, five dollars;	9122
(2) For the transfer or entry of land, lot, or part of lot,	9123
or the transfer or entry on or after January 1, 2000, of a used	9124
manufactured home or mobile home as defined in section 5739.0210	9125
of the Revised Code, fifty cents for each transfer or entry, to be	9126
paid by the person requiring it;	9127
(3) For receiving statements of value and administering	9128
section 319.202 of the Revised Code, one dollar, or ten cents for	9129
each one hundred dollars or fraction of one hundred dollars,	9130
whichever is greater, of the value of the real property	9131
transferred or, for sales occurring on or after January 1, 2000,	9132
the value of the used manufactured home or used mobile home, as	9133
defined in section 5739.0210 of the Revised Code, transferred,	9134
except no fee shall be charged when the transfer is made:	9135
(a) To or from the United States, this state, or any	9136
instrumentality, agency, or political subdivision of the United	9137
States or this state;	9138
(b) Solely in order to provide or release security for a debt	9139
or obligation;	9140
(c) To confirm or correct a deed previously executed and	9141
recorded;	9142
(d) To evidence a gift, in trust or otherwise and whether	9143
revocable or irrevocable, between husband and wife, or parent and	9144
child or the spouse of either;	9145
(e) On sale for delinquent taxes or assessments;	9146
(f) Pursuant to court order, to the extent that such transfer	9147
is not the result of a sale effected or completed pursuant to such	9148
order;	9149
(g) Pursuant to a reorganization of corporations or	9150
unincorporated associations or pursuant to the dissolution of a	9151

corporation, to the extent that the corporation conveys the 9152  
property to a stockholder as a distribution in kind of the 9153  
corporation's assets in exchange for the stockholder's shares in 9154  
the dissolved corporation; 9155

(h) By a subsidiary corporation to its parent corporation for 9156  
no consideration, nominal consideration, or in sole consideration 9157  
of the cancellation or surrender of the subsidiary's stock; 9158

(i) By lease, whether or not it extends to mineral or mineral 9159  
rights, unless the lease is for a term of years renewable forever; 9160

(j) When the value of the real property or the manufactured 9161  
or mobile home or the value of the interest that is conveyed does 9162  
not exceed one hundred dollars; 9163

(k) Of an occupied residential property, including a 9164  
manufactured or mobile home, being transferred to the builder of a 9165  
new residence or to the dealer of a new manufactured or mobile 9166  
home when the former residence is traded as part of the 9167  
consideration for the new residence or new manufactured or mobile 9168  
home; 9169

(l) To a grantee other than a dealer in real property or in 9170  
manufactured or mobile homes, solely for the purpose of, and as a 9171  
step in, the prompt sale of the real property or manufactured or 9172  
mobile home to others; 9173

(m) To or from a person when no money or other valuable and 9174  
tangible consideration readily convertible into money is paid or 9175  
to be paid for the real estate or manufactured or mobile home and 9176  
the transaction is not a gift; 9177

(n) Pursuant to division (B) of section 317.22 of the Revised 9178  
Code, or section 2113.61 of the Revised Code, between spouses or 9179  
to a surviving spouse pursuant to section 5302.17 of the Revised 9180  
Code as it existed prior to April 4, 1985, between persons 9181  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9182

after April 4, 1985, to a person who is a surviving, survivorship	9183
tenant pursuant to section 5302.17 of the Revised Code on or after	9184
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	9185
(o) To a trustee acting on behalf of minor children of the	9186
deceased;	9187
(p) Of an easement or right-of-way when the value of the	9188
interest conveyed does not exceed one thousand dollars;	9189
(q) Of property sold to a surviving spouse pursuant to	9190
section 2106.16 of the Revised Code;	9191
(r) To or from an organization exempt from federal income	9192
taxation under section 501(c)(3) of the "Internal Revenue Code of	9193
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	9194
transfer is without consideration and is in furtherance of the	9195
charitable or public purposes of such organization;	9196
(s) Among the heirs at law or devisees, including a surviving	9197
spouse, of a common decedent, when no consideration in money is	9198
paid or to be paid for the real property or manufactured or mobile	9199
home;	9200
(t) To a trustee of a trust, when the grantor of the trust	9201
has reserved an unlimited power to revoke the trust;	9202
(u) To the grantor of a trust by a trustee of the trust, when	9203
the transfer is made to the grantor pursuant to the exercise of	9204
the grantor's power to revoke the trust or to withdraw trust	9205
assets;	9206
(v) To the beneficiaries of a trust if the fee was paid on	9207
the transfer from the grantor of the trust to the trustee or if	9208
the transfer is made pursuant to trust provisions which became	9209
irrevocable at the death of the grantor;	9210
(w) To a corporation for incorporation into a sports facility	9211
constructed pursuant to section 307.696 of the Revised Code;	9212

(x) Between persons pursuant to section 5302.18 of the Revised Code. 9213  
9214

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county. 9215  
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The real property transfer fee provided for in division ~~(F)~~(G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery. 9221  
9222  
9223  
9224

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer. 9225  
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9227  
9228

**Sec. 322.01.** As used in sections 322.01 to 322.07 of the Revised Code: 9229  
9230

(A) "Value" means, in the case of any deed not a gift in whole or part, the amount of the full consideration therefor, paid or to be paid for the real estate described in the deed, including the amount of any liens thereon, with the following exceptions: 9231  
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9233  
9234

(1) The amount owed on a debt secured by a mortgage which has been of record at least twelve months prior to the date of the conveyance and which is assumed by the purchaser; 9235  
9236  
9237

(2) The difference between the full amount of consideration and the unpaid balance owed to the seller at the time of the conveyance of property to a third party under a land installment contract that has been of record at least twelve months prior to the date of conveyance. 9238  
9239  
9240  
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(B) "Value" means, in the case of a manufactured or mobile home that is not a gift in whole or in part, the amount of the full consideration paid or to be paid for the home, including the amounts of any liens thereon.

(C) "Value" means, in the case of a gift in whole or part, the estimated price the real estate described in the deed, or the manufactured or mobile home, would bring in the open market and under the then existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

(D) "Deed" means any deed, instrument, or writing by which any real property or any interest in real property is granted, assigned, transferred, or otherwise conveyed except that it does not include any deed, instrument, or writing which grants, assigns, transfers, or otherwise conveys any real property or interests in real property exempted from the fee required by division ~~(F)~~(G)(3) of section 319.54 of the Revised Code.

(E) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(F) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.

**Sec. 323.131.** (A) Each tax bill prepared and mailed or delivered under section 323.13 of the Revised Code shall be in the form and contain the information required by the tax commissioner. The commissioner may prescribe different forms for each county and may authorize the county auditor to make up tax bills and tax receipts to be used by the county treasurer. For any county in which the board of county commissioners has granted a partial property tax exemption on homesteads under section 323.158 of the Revised Code, the commissioner shall require that the tax bills for those homesteads include a notice of the amount of the tax

reduction that results from the partial exemption. In addition to 9274  
the information required by the commissioner, each tax bill shall 9275  
contain the following information: 9276

~~(A)~~(1) The taxes levied and the taxes charged and payable 9277  
against the property; 9278

~~(B)~~(2) The effective tax rate. The words "effective tax rate" 9279  
shall appear in boldface type. 9280

~~(C)~~(3) The following notices: 9281

~~(1)~~(a) "Notice: If the taxes are not paid within one year 9282  
from the date they are due, the property is subject to foreclosure 9283  
for tax delinquency." Failure to provide such notice has no effect 9284  
upon the validity of any tax foreclosure to which a property is 9285  
subjected. 9286

~~(2)~~(b) "Notice: If the taxes charged against this parcel have 9287  
been reduced by the 2-1/2 per cent tax reduction for residences 9288  
occupied by the owner but the property is not a residence occupied 9289  
by the owner, the owner must notify the county auditor's office 9290  
not later than March 31 of the year following the year for which 9291  
the taxes are due. Failure to do so may result in the owner being 9292  
convicted of a fourth degree misdemeanor, which is punishable by 9293  
imprisonment up to 30 days, a fine up to \$250, or both, and in the 9294  
owner having to repay the amount by which the taxes were 9295  
erroneously or illegally reduced, plus any interest that may 9296  
apply. 9297

If the taxes charged against this parcel have not been 9298  
reduced by the 2-1/2 per cent tax reduction and the parcel 9299  
includes a residence occupied by the owner, the parcel may qualify 9300  
for the tax reduction. To obtain an application for the tax 9301  
reduction or further information, the owner may contact the county 9302  
auditor's office at ..... (insert the address and telephone 9303  
number of the county auditor's office)." 9304

~~(D)~~(4) For a tract or lot on the real property tax suspension list under section 319.48 of the Revised Code, the following notice: "Notice: The taxes shown due on this bill are for the current year only. Delinquent taxes, penalties, and interest also are due on this property. Contact the county treasurer to learn the total amount due." 9305  
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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. 9311  
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(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. 9315  
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(C) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code. 9320  
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**Sec. 323.151.** As used in sections 323.151 to 323.159 of the Revised Code: 9322  
9323

(A) "Homestead" means either of the following: 9324

(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. 9325  
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(2) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this 9333  
9334

state. 9335

The homestead shall include so much of the land surrounding 9336  
it, not exceeding one acre, as is reasonably necessary for the use 9337  
of the dwelling or unit as a home. An owner includes a holder of 9338  
one of the several estates in fee, a vendee in possession under a 9339  
purchase agreement or a land contract, a mortgagor, a life tenant, 9340  
one or more tenants with a right of survivorship, tenants in 9341  
common, and a settlor of a revocable inter vivos trust holding the 9342  
title to a homestead occupied by the settlor as of right under the 9343  
trust. The tax commissioner shall adopt rules for the uniform 9344  
classification and valuation of real property or portions of real 9345  
property as homesteads. 9346

(B) "Sixty-five years of age or older" means a person who has 9347  
attained age sixty-four prior to the first day of January of the 9348  
year of application for reduction in real estate taxes. 9349

~~(C) "Total income" means the adjusted gross income of the 9350  
owner and the owner's spouse for the year preceding the year in 9351  
which application for a reduction in taxes is made, as determined 9352  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9353  
U.S.C.A. 1, as amended, adjusted as follows:~~ 9354

~~(1) Subtract the amount of disability benefits included in 9355  
adjusted gross income, but not to exceed fifty two hundred 9356  
dollars;~~ 9357

~~(2) Add old age and survivors benefits received pursuant to 9358  
the "Social Security Act" that are not included in adjusted gross 9359  
income;~~ 9360

~~(3) Add retirement, pension, annuity, or other retirement 9361  
payments or benefits not included in adjusted gross income;~~ 9362

~~(4) Add tier I and tier II railroad retirement benefits 9363  
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 9364  
45 U.S.C.A. 228;~~ 9365

<del>(5) Add interest on federal, state, and local government obligations;</del>	9366
	9367
<del>(6) For a person who received the homestead exemption for a prior year on the basis of being permanently and totally disabled and whose current application for the exemption is made on the basis of age, subtract the following amount:</del>	9368
	9369
	9370
	9371
<del>(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 (C)(1) of this section in the current year;</del>	9372
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	9378
<del>(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 (C)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (C)(1) of this section in the current year.</del>	9379
	9380
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	9386
<del>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.</del>	9387
	9388
	9389
	9390
<del>(D) "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:</del>	9391
	9392
	9393
<del>(1) For those persons receiving the homestead exemption for the first time for tax years 1976 and earlier, old age benefits payable under the social security or railroad retirement laws in</del>	9394
	9395
	9396

~~effect on December 31, 1975, except in those cases where a change in social security or railroad retirement benefits would result in a reduction in income.~~ 9397  
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9399

~~(2) For those persons receiving the homestead exemption for the first time for tax years 1977 and thereafter, old age 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, 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.~~ 9400  
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~~(3) The lesser of:~~ 9410

~~(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~~ 9411  
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~~(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.~~ 9417  
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~~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.~~ 9422  
9423  
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~~(E)~~ "Permanently and totally disabled" means a person who 9428  
has, on the first day of January of the year of application for 9429  
reduction in real estate taxes, some impairment in body or mind 9430  
that makes the person unable to work at any substantially 9431  
remunerative employment that the person is reasonably able to 9432  
perform and that will, with reasonable probability, continue for 9433  
an indefinite period of at least twelve months without any present 9434  
indication of recovery therefrom or has been certified as 9435  
permanently and totally disabled by a state or federal agency 9436  
having the function of so classifying persons. 9437

~~(F)~~(D) "Housing cooperative" means a housing complex of at 9438  
least two hundred fifty units that is owned and operated by a 9439  
nonprofit corporation that issues a share of the corporation's 9440  
stock to an individual, entitling the individual to live in a unit 9441  
of the complex, and collects a monthly maintenance fee from the 9442  
individual to maintain, operate, and pay the taxes of the complex. 9443

**Sec. 323.152.** In addition to the reduction in taxes required 9444  
under section 319.302 of the Revised Code, taxes shall be reduced 9445  
as provided in divisions (A) and (B) of this section. 9446

(A)(1) Division (A) of this section applies to any of the 9447  
following: 9448

(a) A person who is permanently and totally disabled; 9449

(b) A person who is sixty-five years of age or older; 9450

(c) A person who is the surviving spouse of a deceased person 9451  
who was permanently and totally disabled or sixty-five years of 9452  
age or older and who applied and qualified for a reduction in 9453  
taxes under this division in the year of death, provided the 9454  
surviving spouse is at least fifty-nine but not sixty-five or more 9455  
years of age on the date the deceased spouse dies. 9456

(2) Real property taxes on a homestead owned and occupied, or 9457

a homestead in a housing cooperative occupied, by a person to whom 9458  
division (A) of this section applies shall be reduced for each 9459  
year for which the owner obtains a certificate of reduction from 9460  
the county auditor under section 323.154 of the Revised Code or 9461  
for which the occupant obtains a certificate of reduction in 9462  
accordance with section 323.159 of the Revised Code. The reduction 9463  
shall equal the amount obtained by multiplying the tax rate for 9464  
the tax year for which the certificate is issued by the reduction 9465  
in taxable value shown in the following schedule: 9466

	<del>Reduce Taxable Value</del>	
<del>Total Income</del>	<del>by the Lesser of:</del>	
<del>\$11,900 or less</del>	<del>\$5,000 or seventy-five per cent</del>	9469
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	9470
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty-five per cent</del>	9471
<del>More than \$23,000</del>	<del>-0-</del>	9472

~~(3) Each calendar year, the tax commissioner shall adjust the 9473  
foregoing schedule by completing the following calculations in 9474  
September of each year: 9475~~

~~(a) Determine the percentage increase in the gross domestic 9476  
product deflator determined by the bureau of economic analysis of 9477  
the United States department of commerce from the first day of 9478  
January of the preceding calendar year to the last day of December 9479  
of the preceding calendar year; 9480~~

~~(b) Multiply that percentage increase by each of the total 9481  
income amounts, and by each dollar amount by which taxable value 9482  
is reduced, for the current tax year; 9483~~

~~(c) Add the resulting product to each of the total income 9484  
amounts, and to each of the dollar amounts by which taxable value 9485  
is reduced, for the current tax year; 9486~~



~~(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 reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~

~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the following tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which taxable value is reduced, for the current tax year greater of the reduction granted for 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:~~

~~(a) Twenty-five thousand dollars of the true value of the property in money;~~

~~(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~

~~(c) The effective tax rate 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;~~

~~(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax~~

year under section 319.302 of the Revised Code and division (B) of 9518  
section 323.152 of the Revised Code. 9519

(B) To provide a partial exemption, real property taxes on 9520  
any homestead, and manufactured home taxes on any manufactured or 9521  
mobile home on which a manufactured home tax is assessed pursuant 9522  
to division (D)(2) of section 4503.06 of the Revised Code, shall 9523  
be reduced for each year for which the owner obtains a certificate 9524  
of reduction from the county auditor under section 323.154 of the 9525  
Revised Code. The amount of the reduction shall equal two and 9526  
one-half per cent of the amount of taxes to be levied on the 9527  
homestead or the manufactured or mobile home after applying 9528  
section 319.301 of the Revised Code. 9529

(C) The reductions granted by this section do not apply to 9530  
special assessments or respread of assessments levied against the 9531  
homestead, and if there is a transfer of ownership subsequent to 9532  
the filing of an application for a reduction in taxes, such 9533  
reductions are not forfeited for such year by virtue of such 9534  
transfer. 9535

(D) The reductions in taxable value referred to in this 9536  
section shall be applied solely as a factor for the purpose of 9537  
computing the reduction of taxes under this section and shall not 9538  
affect the total value of property in any subdivision or taxing 9539  
district as listed and assessed for taxation on the tax lists and 9540  
duplicates, or any direct or indirect limitations on indebtedness 9541  
of a subdivision or taxing district. If after application of 9542  
sections 5705.31 and 5705.32 of the Revised Code, including the 9543  
allocation of all levies within the ten-mill limitation to debt 9544  
charges to the extent therein provided, there would be 9545  
insufficient funds for payment of debt charges not provided for by 9546  
levies in excess of the ten-mill limitation, the reduction of 9547  
taxes provided for in sections 323.151 to 323.159 of the Revised 9548  
Code shall be proportionately adjusted to the extent necessary to 9549

provide such funds from levies within the ten-mill limitation. 9550

(E) No reduction shall be made on the taxes due on the 9551  
homestead of any person convicted of violating division (C) or (D) 9552  
of section 323.153 of the Revised Code for a period of three years 9553  
following the conviction. 9554

**Sec. 323.153.** (A) To obtain a reduction in real property 9555  
taxes under division (A) or (B) of section 323.152 of the Revised 9556  
Code or in manufactured home taxes under division (B) of section 9557  
323.152 of the Revised Code, the owner shall file an application 9558  
with the county auditor of the county in which the owner's 9559  
homestead is located. 9560

To obtain a reduction in real property taxes under division 9561  
(A) of section 323.152 of the Revised Code, the occupant of a 9562  
homestead in a housing cooperative shall file an application with 9563  
the nonprofit corporation that owns and operates the housing 9564  
cooperative, in accordance with this paragraph. Not later than the 9565  
first day of March each year, the corporation shall obtain 9566  
applications from the county auditor's office and provide one to 9567  
each new occupant. Not later than the first day of May, any 9568  
occupant who may be eligible for a reduction in taxes under 9569  
division (A) of section 323.152 of the Revised Code shall submit 9570  
the completed application to the corporation. Not later than the 9571  
fifteenth day of May, the corporation shall file all completed 9572  
applications, and the information required by division (B) of 9573  
section 323.159 of the Revised Code, with the county auditor of 9574  
the county in which the occupants' homesteads are located. 9575  
Continuing applications shall be furnished to an occupant in the 9576  
manner provided in division (C)(4) of this section. 9577

(1) An application for reduction based upon a physical 9578  
disability shall be accompanied by a certificate signed by a 9579  
physician, and an application for reduction based upon a mental 9580

disability shall be accompanied by a certificate signed by a 9581  
physician or psychologist licensed to practice in this state, 9582  
attesting to the fact that the applicant is permanently and 9583  
totally disabled. The certificate shall be in a form that the tax 9584  
commissioner requires and shall include the definition of 9585  
permanently and totally disabled as set forth in section 323.151 9586  
of the Revised Code. An application for reduction based upon a 9587  
disability certified as permanent and total by a state or federal 9588  
agency having the function of so classifying persons shall be 9589  
accompanied by a certificate from that agency. ~~Such an~~ 9590

An application for a reduction under division (A) of section 9591  
323.152 of the Revised Code constitutes a continuing application 9592  
for a reduction in taxes for each year in which the dwelling is 9593  
the applicant's homestead ~~and the amount of the reduction in~~ 9594  
~~taxable value to which the applicant is entitled does not exceed~~ 9595  
~~either the amount or percentage of the reduction to which the~~ 9596  
~~applicant was entitled for the year in which the application was~~ 9597  
~~first filed.~~ 9598

(2) An application for a reduction in taxes under division 9599  
(B) of section 323.152 of the Revised Code shall be filed only if 9600  
the homestead or manufactured or mobile home was transferred in 9601  
the preceding year or did not qualify for and receive the 9602  
reduction in taxes under that division for the preceding tax year. 9603  
The application for homesteads transferred in the preceding year 9604  
shall be incorporated into any form used by the county auditor to 9605  
administer the tax law in respect to the conveyance of real 9606  
property pursuant to section 319.20 of the Revised Code or of used 9607  
manufactured homes or used mobile homes as defined in section 9608  
5739.0210 of the Revised Code. The owner of a manufactured or 9609  
mobile home who has elected under division (D)(4) of section 9610  
4503.06 of the Revised Code to be taxed under division (D)(2) of 9611  
that section for the ensuing year may file the application at the 9612

time of making that election. The application shall contain a 9613  
statement that failure by the applicant to affirm on the 9614  
application that the dwelling on the property conveyed is the 9615  
applicant's homestead prohibits the owner from receiving the 9616  
reduction in taxes until a proper application is filed within the 9617  
period prescribed by division (A)(3) of this section. Such an 9618  
application constitutes a continuing application for a reduction 9619  
in taxes for each year in which the dwelling is the applicant's 9620  
homestead. 9621

(3) Failure to receive a new application filed under division 9622  
(A)(1) or (2) or notification under division (C) of this section 9623  
after a certificate of reduction has been issued under section 9624  
323.154 of the Revised Code, or failure to receive a new 9625  
application filed under division (A)(1) or notification under 9626  
division (C) of this section after a certificate of reduction has 9627  
been issued under section 323.159 of the Revised Code, is 9628  
prima-facie evidence that the original applicant is entitled to 9629  
the reduction in taxes calculated on the basis of the information 9630  
contained in the original application. The original application 9631  
and any subsequent application, including any late application, 9632  
shall be in the form of a signed statement and shall be filed 9633  
after the first Monday in January and not later than the first 9634  
Monday in June. The original application and any subsequent 9635  
application for a reduction in real property taxes shall be filed 9636  
in the year for which the reduction is sought. The original 9637  
application and any subsequent application for a reduction in 9638  
manufactured home taxes shall be filed in the year preceding the 9639  
year for which the reduction is sought. The statement shall be on 9640  
a form, devised and supplied by the tax commissioner, which shall 9641  
require no more information than is necessary to establish the 9642  
applicant's eligibility for the reduction in taxes and the amount 9643  
of the reduction, and, for a certificate of reduction issued under 9644  
section 323.154 of the Revised Code, shall include an affirmation 9645

by the applicant that ownership of the homestead was not acquired 9646  
from a person, other than the applicant's spouse, related to the 9647  
owner by consanguinity or affinity for the purpose of qualifying 9648  
for the real property or manufactured home tax reduction provided 9649  
for in division (A) or (B) of section 323.152 of the Revised Code. 9650  
The form shall contain a statement that conviction of willfully 9651  
falsifying information to obtain a reduction in taxes or failing 9652  
to comply with division (C) of this section results in the 9653  
revocation of the right to the reduction for a period of three 9654  
years. ~~In the case of an application for a reduction in taxes 9655  
under division (A) of section 323.152 of the Revised Code, the 9656  
form shall contain a statement that signing the application 9657  
constitutes a delegation of authority by the applicant to the 9658  
county auditor to examine any financial records relating to income 9659  
earned by the applicant as stated on the application for the 9660  
purpose of determining a possible violation of division (D) or (E) 9661  
of this section.~~ 9662

(B) A late application for a tax reduction for the year 9663  
preceding the year in which an original application is filed, or 9664  
for a reduction in manufactured home taxes for the year in which 9665  
an original application is filed, may be filed with the original 9666  
application. If the county auditor determines the information 9667  
contained in the late application is correct, the auditor shall 9668  
determine the amount of the reduction in taxes to which the 9669  
applicant would have been entitled for the preceding tax year had 9670  
the applicant's application been timely filed and approved in that 9671  
year. 9672

The amount of such reduction shall be treated by the auditor 9673  
as an overpayment of taxes by the applicant and shall be refunded 9674  
in the manner prescribed in section 5715.22 of the Revised Code 9675  
for making refunds of overpayments. On the first day of July of 9676  
each year, the county auditor shall certify the total amount of 9677

the reductions in taxes made in the current year under this 9678  
division to the tax commissioner, who shall treat the full amount 9679  
thereof as a reduction in taxes for the preceding tax year and 9680  
shall make reimbursement to the county therefor in the manner 9681  
prescribed by section 323.156 of the Revised Code, from money 9682  
appropriated for that purpose. 9683

(C)(1) If, in any year after an application has been filed 9684  
under division (A)(1) or (2) of this section, the owner does not 9685  
qualify for a reduction in taxes on the homestead or on the 9686  
manufactured or mobile home set forth on such application,~~or~~ 9687  
~~qualifies for a reduction in taxes that is to be based upon a~~ 9688  
~~reduction in taxable value less than either the percentage or~~ 9689  
~~amount of the reduction in taxable value to which the owner was~~ 9690  
~~entitled in the year the application was filed,~~ the owner shall 9691  
notify the county auditor that the owner is not qualified for a 9692  
reduction in taxes ~~or file a new application under division (A)(1)~~ 9693  
~~or (2) of this section.~~ 9694

(2) If, in any year after an application has been filed under 9695  
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9696  
housing cooperative does not qualify for a reduction in taxes on 9697  
the homestead, the occupant shall notify the county auditor that 9698  
the occupant is not qualified for a reduction in taxes or file a 9699  
new application under division (A)~~(1)~~ of this section. 9700

(3) If the county auditor or county treasurer discovers that 9701  
the owner of property not entitled to the reduction in taxes under 9702  
division (B) of section 323.152 of the Revised Code failed to 9703  
notify the county auditor as required by division (C)(1) of this 9704  
section, a charge shall be imposed against the property in the 9705  
amount by which taxes were reduced under that division for each 9706  
tax year the county auditor ascertains that the property was not 9707  
entitled to the reduction and was owned by the current owner. 9708  
Interest shall accrue in the manner prescribed by division (B) of 9709

section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person issued a certificate of reduction under section 323.154 or 323.159 of the Revised Code with respect to a reduction in taxes under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report ~~changes in total income that would have the effect of increasing or decreasing the reduction in taxable value to which the person is entitled,~~ changes in ownership or occupancy of the homestead, including changes in or revocation of a revocable inter vivos trust, changes in disability, and other changes in the information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled



under division (A) of section 323.152 of the Revised Code or to 9743  
which the occupant is entitled under section 323.159 of the 9744  
Revised Code, the application does not need to be returned. 9745

(5) Each year during February, the county auditor, except as 9746  
otherwise provided in this paragraph, shall furnish by ordinary 9747  
mail an original application to the owner, as of the first day of 9748  
January of that year, of a homestead or a manufactured or mobile 9749  
home that transferred during the preceding calendar year and that 9750  
qualified for and received a reduction in taxes under division (B) 9751  
of section 323.152 of the Revised Code for the preceding tax year. 9752  
In order to receive the reduction under that division, the owner 9753  
shall file the application with the county auditor not later than 9754  
the first Monday in June. If the application is not timely filed, 9755  
the auditor shall not grant a reduction in taxes for the homestead 9756  
for the current year, and shall notify the owner that the 9757  
reduction in taxes has not been granted, in the same manner 9758  
prescribed under section 323.154 of the Revised Code for 9759  
notification of denial of an application. Failure of an owner to 9760  
receive an application does not excuse the failure of the owner to 9761  
file an original application. The county auditor is not required 9762  
to furnish an application under this paragraph for any homestead 9763  
for which application has previously been made on a form 9764  
incorporated into any form used by the county auditor to 9765  
administer the tax law in respect to the conveyance of real 9766  
property or of used manufactured homes or used mobile homes, and 9767  
an owner who previously has applied on such a form is not required 9768  
to return an application furnished under this paragraph. 9769

(D) No person shall knowingly make a false statement for the 9770  
purpose of obtaining a reduction in the person's real property or 9771  
manufactured home taxes under section 323.152 of the Revised Code. 9772

(E) No person shall knowingly fail to notify the county 9773  
auditor of changes required by division (C) of this section that 9774

have the effect of maintaining or securing a reduction ~~in taxable~~ 9775  
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9776  
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9777

(F) No person shall knowingly make a false statement or 9778  
certification attesting to any person's physical or mental 9779  
condition for purposes of qualifying such person for tax relief 9780  
pursuant to sections 323.151 to 323.159 of the Revised Code. 9781

**Sec. 323.154.** On or before the day the county auditor has 9782  
completed the duties imposed by sections 319.30 to 319.302 of the 9783  
Revised Code, the auditor shall issue a certificate of reduction 9784  
in taxes in triplicate for each person who has complied with 9785  
section 323.153 of the Revised Code and whose homestead, as 9786  
defined in division (A)(1) of section 323.151 of the Revised Code, 9787  
or manufactured or mobile home the auditor finds is entitled to a 9788  
reduction in real property or manufactured home taxes for that 9789  
year under section 323.152 of the Revised Code. Except as provided 9790  
in section 323.159 of the Revised Code, in the case of a homestead 9791  
entitled to a reduction under division (A) of that section, the 9792  
certificate shall state the taxable value of the homestead on the 9793  
first day of January of that year, the ~~amount of the reduction in~~ 9794  
~~taxable value and the~~ total reduction in taxes for that year under 9795  
that section, the tax rate that is applicable against such 9796  
homestead for that year, and any other information the tax 9797  
commissioner requires. In the case of a homestead or a 9798  
manufactured or mobile home entitled to a reduction under division 9799  
(B) of that section, the certificate shall state the total amount 9800  
of the reduction in taxes for that year under that section and any 9801  
other information the tax commissioner requires. The certificate 9802  
for reduction in taxes shall be on a form approved by the 9803  
commissioner. Upon issuance of such a certificate, the county 9804  
auditor shall forward one copy and the original to the county 9805  
treasurer and retain one copy. The county auditor also shall 9806

record the amount of reduction in taxes in the appropriate column 9807  
on the general tax list and duplicate of real and public utility 9808  
property and on the manufactured home tax list. 9809

If an application, late application, or continuing 9810  
application is not approved, or if the county auditor otherwise 9811  
determines that a homestead or a manufactured or mobile home does 9812  
not qualify for a reduction in taxes under division (A) or (B) of 9813  
section 323.152 of the Revised Code, the auditor shall notify the 9814  
applicant of the reasons for denial not later than the first 9815  
Monday in October. If an applicant believes that the application 9816  
for reduction has been improperly denied or that the reduction is 9817  
for less than that to which the applicant is entitled, the 9818  
applicant may file an appeal with the county board of revision not 9819  
later than the date of closing of the collection for the first 9820  
half of real and public utility property taxes or manufactured 9821  
home taxes. The appeal shall be treated in the same manner as a 9822  
complaint relating to the valuation or assessment of real property 9823  
under Chapter 5715. of the Revised Code. 9824

**Sec. 325.31.** (A) On the first business day of each month, and 9825  
at the end of the officer's term of office, each officer named in 9826  
section 325.27 of the Revised Code shall pay into the county 9827  
treasury, to the credit of the general county fund, on the warrant 9828  
of the county auditor, all fees, costs, penalties, percentages, 9829  
allowances, and perquisites collected by the officer's office 9830  
during the preceding month or part thereof for official services, 9831  
except the fees allowed the county auditor by division ~~(B)~~(C) of 9832  
section 319.54 of the Revised Code, which shall be paid into the 9833  
county treasury to the credit of the real estate assessment fund 9834  
hereby created. 9835

(B) Moneys to the credit of the real estate assessment fund 9836  
may be expended, upon appropriation by the board of county 9837

commissioners, for the purpose of defraying one or more of the 9838  
following: 9839

(1) The cost incurred by the county auditor in assessing real 9840  
estate pursuant to Chapter 5713. of the Revised Code and 9841  
manufactured and mobile homes pursuant to Chapter 4503. of the 9842  
Revised Code; 9843

(2) At the county auditor's discretion, costs and expenses 9844  
incurred by the county auditor in preparing the list of real and 9845  
public utility property, in administering laws related to the 9846  
taxation of real property and the levying of special assessments 9847  
on real property, including administering reductions under 9848  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9849  
and to support assessments of real property in any administrative 9850  
or judicial proceeding; 9851

(3) At the county auditor's discretion, the expenses incurred 9852  
by the county board of revision under Chapter 5715. of the Revised 9853  
Code; 9854

(4) At the county auditor's discretion, the expenses incurred 9855  
by the county auditor for geographic information systems, mapping 9856  
programs, and technological advances in those or similar systems 9857  
or programs; 9858

(5) At the county auditor's discretion, expenses incurred by 9859  
the county auditor in compiling the general tax list of tangible 9860  
personal property and administering tangible personal property 9861  
taxes under Chapters 5711. and 5719. of the Revised Code; 9862

(6) At the county auditor's discretion, costs, expenses, and 9863  
fees incurred by the county auditor in the administration of 9864  
estate taxes under Chapter 5731. of the Revised Code and the 9865  
amounts incurred under section 5731.41 of the Revised Code. 9866

Any expenditures made from the real estate assessment fund 9867  
shall comply with rules that the tax commissioner adopts under 9868

division (O) of section 5703.05 of the Revised Code. Those rules 9869  
shall include a requirement that a copy of any appraisal plans, 9870  
progress of work reports, contracts, or other documents required 9871  
to be filed with the tax commissioner shall be filed also with the 9872  
board of county commissioners. 9873

The board of county commissioners shall not transfer moneys 9874  
required to be deposited in the real estate assessment fund to any 9875  
other fund. Following an assessment of real property pursuant to 9876  
Chapter 5713. of the Revised Code, or an assessment of a 9877  
manufactured or mobile home pursuant to Chapter 4503. of the 9878  
Revised Code, any moneys not expended for the purpose of defraying 9879  
the cost incurred in assessing real estate or manufactured or 9880  
mobile homes or for the purpose of defraying the expenses 9881  
described in divisions (B)(2), (3), (4), (5), and (6) of this 9882  
section, and thereby remaining to the credit of the real estate 9883  
assessment fund, shall be apportioned ratably and distributed to 9884  
those taxing authorities that contributed to the fund. However, no 9885  
such distribution shall be made if the amount of such unexpended 9886  
moneys remaining to the credit of the real estate assessment fund 9887  
does not exceed five thousand dollars. 9888

(C) None of the officers named in section 325.27 of the 9889  
Revised Code shall collect any fees from the county. Each of such 9890  
officers shall, at the end of each calendar year, make and file a 9891  
sworn statement with the board of county commissioners of all such 9892  
fees, costs, penalties, percentages, allowances, and perquisites 9893  
which have been due in the officer's office and unpaid for more 9894  
than one year prior to the date such statement is required to be 9895  
made. 9896

**Sec. 329.04.** (A) The county department of job and family 9897  
services shall have, exercise, and perform the following powers 9898  
and duties: 9899

(1) Perform any duties assigned by the state department of	9900
job and family services regarding the provision of public family	9901
services, including the provision of the following services to	9902
prevent or reduce economic or personal dependency and to	9903
strengthen family life:	9904
(a) Services authorized by a Title IV-A program, as defined	9905
in section 5101.80 of the Revised Code;	9906
(b) Social services authorized by Title XX of the "Social	9907
Security Act" and provided for by section 5101.46 or 5101.461 of	9908
the Revised Code;	9909
(c) If the county department is designated as the child	9910
support enforcement agency, services authorized by Title IV-D of	9911
the "Social Security Act" and provided for by Chapter 3125. of the	9912
Revised Code. The county department may perform the services	9913
itself or contract with other government entities, and, pursuant	9914
to division (C) of section 2301.35 and section 2301.42 of the	9915
Revised Code, private entities, to perform the Title IV-D	9916
services.	9917
(d) Duties assigned under section 5111.98 of the Revised	9918
Code.	9919
(2) Administer disability financial assistance, as required	9920
by the state department of job and family services under section	9921
5115.03 of the Revised Code;	9922
(3) Administer disability medical assistance, as required by	9923
the state department of job and family services under section	9924
5115.13 of the Revised Code;	9925
(4) Administer burials insofar as the administration of	9926
burials was, prior to September 12, 1947, imposed upon the board	9927
of county commissioners and if otherwise required by state law;	9928
(5) Cooperate with state and federal authorities in any	9929

matter relating to family services and to act as the agent of such 9930  
authorities; 9931

(6) Submit an annual account of its work and expenses to the 9932  
board of county commissioners and to the state department of job 9933  
and family services at the close of each fiscal year; 9934

(7) Exercise any powers and duties relating to family 9935  
services duties or workforce development activities imposed upon 9936  
the county department of job and family services by law, by 9937  
resolution of the board of county commissioners, or by order of 9938  
the governor, when authorized by law, to meet emergencies during 9939  
war or peace; 9940

(8) Determine the eligibility for medical assistance of 9941  
recipients of aid under Title XVI of the "Social Security Act"; 9942

(9) If assigned by the state director of job and family 9943  
services under section 5101.515 of the Revised Code, determine 9944  
applicants' eligibility for health assistance under the children's 9945  
health insurance program part II; 9946

(10) Enter into a plan of cooperation with the board of 9947  
county commissioners under section 307.983, consult with the board 9948  
in the development of the transportation work plan developed under 9949  
section 307.985, establish with the board procedures under section 9950  
307.986 for providing services to children whose families relocate 9951  
frequently, and comply with the contracts the board enters into 9952  
under sections 307.981 and 307.982 of the Revised Code that affect 9953  
the county department; 9954

(11) For the purpose of complying with a ~~fiscal~~ grant 9955  
agreement the board of county commissioners enters into under 9956  
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 9957  
the powers and perform the duties the ~~fiscal~~ grant agreement 9958  
assigns to the county department; 9959

(12) If the county department is designated as the workforce 9960

development agency, provide the workforce development activities 9961  
specified in the contract required by section 330.05 of the 9962  
Revised Code. 9963

(B) The powers and duties of a county department of job and 9964  
family services are, and shall be exercised and performed, under 9965  
the control and direction of the board of county commissioners. 9966  
The board may assign to the county department any power or duty of 9967  
the board regarding family services duties and workforce 9968  
development activities. If the new power or duty necessitates the 9969  
state department of job and family services changing its federal 9970  
cost allocation plan, the county department may not implement the 9971  
power or duty unless the United States department of health and 9972  
human services approves the changes. 9973

**Sec. 329.05.** The county department of job and family services 9974  
may administer or assist in administering any state or local 9975  
family services duty in addition to those mentioned in section 9976  
329.04 of the Revised Code, supported wholly or in part by public 9977  
funds from any source provided by agreement between the board of 9978  
county commissioners and the officer, department, board, or agency 9979  
in which the administration of such activity is vested. Such 9980  
officer, department, board, or agency may enter into such 9981  
agreement and confer upon the county department of job and family 9982  
services, to the extent and in particulars specified in the 9983  
agreement, the performance of any duties and the exercise of any 9984  
powers imposed upon or vested in such officer, board, department, 9985  
or agency, with respect to the administration of such activity. 9986  
Such agreement shall be in the form of a resolution of the board 9987  
of county commissioners, accepted in writing by the other party to 9988  
the agreement, and filed in the office of the county auditor, and 9989  
when so filed, shall have the effect of transferring the exercise 9990  
of the powers and duties to which the agreement relates and shall 9991  
exempt the other party from all further responsibility for the 9992



exercise of the powers and duties so transferred, during the life 9993  
of the agreement. 9994

Such agreement shall be coordinated and not conflict with a 9995  
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9996  
and 5101.21, a contract entered into under section 307.981 or 9997  
307.982, a plan of cooperation entered into under section 307.983, 9998  
a regional plan of cooperation entered into under section 307.984, 9999  
a transportation work plan developed under section 307.985, or 10000  
procedures for providing services to children whose families 10001  
relocate frequently established under section 307.986 of the 10002  
Revised Code. It may be revoked at the option of either party, by 10003  
a resolution or order of the revoking party filed in the office of 10004  
the auditor. Such revocation shall become effective at the end of 10005  
the fiscal year occurring at least six months following the filing 10006  
of the resolution or order. In the absence of such an express 10007  
revocation so filed, the agreement shall continue indefinitely. 10008

This section does not permit a county department of job and 10009  
family services to manage or control hospitals, humane societies, 10010  
detention facilities, jails or probation departments of courts, or 10011  
veterans service commissions. 10012

**Sec. 329.14.** (A) An individual whose household income does 10013  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 10014  
line is eligible to participate in an individual development 10015  
account program established by the county department of job and 10016  
family services of the county in which the individual resides. An 10017  
eligible individual seeking to be a participant in the program 10018  
shall enter into an agreement with the fiduciary organization 10019  
administering the program. The agreement shall specify the terms 10020  
and conditions of uses of funds deposited, financial documentation 10021  
required to be maintained by the participant, expectations and 10022  
responsibilities of the participant, and services to be provided 10023

by the fiduciary organization. 10024

(B) A participant may deposit earned income, as defined in 26 10025  
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 10026  
organization may deposit into the account an amount not exceeding 10027  
~~twice~~ four times the amount deposited by the participant except 10028  
that a fiduciary organization may not, pursuant to an agreement 10029  
with an employer, deposit an amount into an account held by a 10030  
participant who is employed by the employer. An account may have 10031  
no more than ten thousand dollars in it at any time. 10032

(C) Notwithstanding eligibility requirements established in 10033  
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 10034  
to the extent permitted by federal statutes and regulations, money 10035  
in an individual development account, including interest, is 10036  
exempt from consideration in determining whether the participant 10037  
or a member of the participant's assistance group is eligible for 10038  
assistance under Chapter 5107., 5108., or 5111. of the Revised 10039  
Code and the amount of assistance the participant or assistance 10040  
group is eligible to receive. 10041

(D)(1) Except as provided in division (D)(2) of this section, 10042  
an individual development account program participant may use 10043  
money in the account only for the following purposes: 10044

(a) Postsecondary educational expenses paid directly from the 10045  
account to an eligible education institution or vendor; 10046

(b) Qualified acquisition expenses of a principal residence, 10047  
as defined in 26 U.S.C. 1034, as amended, paid directly from the 10048  
account to the person or government entity to which the expenses 10049  
are due; 10050

(c) Qualified business capitalization expenses made in 10051  
accordance with a qualified business plan that has been approved 10052  
by a financial institution or by a nonprofit microenterprise 10053  
program having demonstrated business expertise and paid directly 10054

from the account to the person to whom the expenses are due. 10055

(2) A fiduciary organization shall permit a participant to 10056  
withdraw money deposited by the participant if it is needed to 10057  
deal with a personal emergency of the participant or a member of 10058  
the participant's family or household. Withdrawal shall result in 10059  
the loss of any matching funds in an amount equal to the amount of 10060  
the withdrawal. 10061

(3) Regardless of the reason for the withdrawal, a withdrawal 10062  
from an individual development account may be made only with the 10063  
approval of the fiduciary organization. 10064

**Sec. 333.02.** Before ~~June 1, 2007~~ January 1, 2008, a board of 10065  
county commissioners of a county that levies a county sales and 10066  
use tax may enter into an agreement with any person that proposes 10067  
to construct an impact facility in the county to provide payments 10068  
to that person of up to seventy-five per cent of the county sales 10069  
and use tax collected on each retail sale made by that person at 10070  
the facility, for a term of up to ten years, or until the person's 10071  
qualifying investment in the impact facility has been realized 10072  
through the payments, whichever occurs first. 10073

**Sec. 333.04.** (A) After review of the items submitted under 10074  
division (A) of section 333.03 of the Revised Code, and after 10075  
receipt of the certification from the director of development 10076  
under division (B) of that section, a board of county 10077  
commissioners, before ~~June 1, 2007~~ January 1, 2008, may enter into 10078  
an agreement under section 333.02 of the Revised Code, provided 10079  
that the board has determined all of the following: 10080

(1) The proposed impact facility is economically sound; 10081

(2) Construction of the proposed impact facility has not 10082  
begun prior to the day the agreement is entered into; 10083

(3) The impact facility will benefit the county by increasing 10084

employment opportunities and strengthening the local and regional economy; and 10085  
10086

(4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with construction of the impact facility. 10087  
10088  
10089

(B) An agreement entered into under this section shall include all of the following: 10090  
10091

(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility; 10092  
10093  
10094  
10095  
10096

(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement; 10097  
10098  
10099

(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code; 10100  
10101  
10102

(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached; 10103  
10104  
10105  
10106

(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section; 10107  
10108  
10109

(6) A requirement that the person annually certify to the board of county commissioners, on or before a date established by the board in the agreement, the level of investment in, the number of employees and type of full-time equivalent positions at, and the amount of county sales and use tax collected and remitted to 10110  
10111  
10112  
10113  
10114

the tax commissioner or treasurer of state from sales made at, the 10115  
facility; 10116

(7) A provision stating that the creation of the proposed 10117  
impact facility does not involve the relocation of more than ten 10118  
full-time equivalent positions and two million dollars in taxable 10119  
assets to the impact facility from another facility owned by the 10120  
person, or a related member of the person, that is located in 10121  
another political subdivision of this state, other than the 10122  
political subdivision in which the impact facility is or will be 10123  
located; 10124

(8) A provision stating that the person will not relocate 10125  
more than ten full-time equivalent positions and two million 10126  
dollars in taxable assets to the impact facility from another 10127  
facility in another political subdivision of this state during the 10128  
term of the payments without the written approval of the director 10129  
of development; 10130

(9) A detailed explanation of how the person determined that 10131  
more than fifty per cent of the visitors to the facility live at 10132  
least one hundred miles from the facility. 10133

(C) For purposes of this section, the transfer of a full-time 10134  
equivalent position or taxable asset from another political 10135  
subdivision in this state to the political subdivision in which 10136  
the impact facility is or will be located shall be considered a 10137  
relocation, unless the person refills the full-time equivalent 10138  
position, or replaces the taxable asset with an asset of equal or 10139  
greater taxable value, within six months after the transfer. The 10140  
person may not receive a payment under this chapter for any year 10141  
in which more than ten relocations occurred without the written 10142  
consent of the board of county commissioners. 10143

**Sec. 340.03.** (A) Subject to rules issued by the director of 10144  
mental health after consultation with relevant constituencies as 10145

required by division (A)(11) of section 5119.06 of the Revised Code, with regard to mental health services, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, develop and submit to the department of mental health, no later than six months prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all the facilities and community mental health services that are or will be in operation or provided during the period for which the plan will be in operation in the service district to meet such needs.

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to make available. The board must include crisis intervention services for individuals in an emergency situation in

the plan and explain how the board intends to make such services 10177  
available. The plan must also include an explanation of how the 10178  
board intends to make any payments that it may be required to pay 10179  
under section 5119.62 of the Revised Code, a statement of the 10180  
inpatient and community-based services the board proposes that the 10181  
department operate, an assessment of the number and types of 10182  
residential facilities needed, such other information as the 10183  
department requests, and a budget for moneys the board expects to 10184  
receive. The board shall also submit an allocation request for 10185  
state and federal funds. Within sixty days after the department's 10186  
determination that the plan and allocation request are complete, 10187  
the department shall approve or disapprove the plan and request, 10188  
in whole or in part, according to the criteria developed pursuant 10189  
to section 5119.61 of the Revised Code. The department's statement 10190  
of approval or disapproval shall specify the inpatient and the 10191  
community-based services that the department will operate for the 10192  
board. Eligibility 10193

Eligibility for state and federal funding shall be contingent 10194  
upon an approved plan or relevant part of a plan. ~~The department~~ 10195  
~~may provide state and federal funding for services included in a~~ 10196  
~~plan only if the services are for individuals whose focus of~~ 10197  
~~treatment or prevention is a mental disorder according to the~~ 10198  
~~edition of the American psychiatric association's diagnostic and~~ 10199  
~~statistical manual of mental disorders that is current at the time~~ 10200  
~~the funding is provided. This shall include such services for~~ 10201  
~~individuals who have a mental disorder and a co-occurring~~ 10202  
~~substance use disorder, substance-induced disorder, chronic~~ 10203  
~~dementing organic mental disorder, mental retardation, or~~ 10204  
~~developmental disability. The department may not provide state or~~ 10205  
~~federal funding under a plan for a service for individuals whose~~ 10206  
~~focus of treatment or prevention is solely a substance use~~ 10207  
~~disorder, substance-induced disorder, chronic dementing organic~~ 10208  
~~mental disorder, mental retardation, or developmental disability.~~ 10209

If the director disapproves all or part of any plan, the 10210  
director shall inform the board of the reasons for the disapproval 10211  
and of the criteria that must be met before the plan may be 10212  
approved. The director shall provide the board an opportunity to 10213  
present its case on behalf of the plan. The director shall give 10214  
the board a reasonable time in which to meet the criteria, and 10215  
shall offer the board technical assistance to help it meet the 10216  
criteria. 10217

If the approval of a plan remains in dispute thirty days 10218  
prior to the conclusion of the fiscal year in which the board's 10219  
current plan is scheduled to expire, the board or the director may 10220  
request that the dispute be submitted to a mutually agreed upon 10221  
third-party mediator with the cost to be shared by the board and 10222  
the department. The mediator shall issue to the board and the 10223  
department recommendations for resolution of the dispute. Prior to 10224  
the conclusion of the fiscal year in which the current plan is 10225  
scheduled to expire, the director, taking into consideration the 10226  
recommendations of the mediator, shall make a final determination 10227  
and approve or disapprove the plan, in whole or in part. 10228

If a board determines that it is necessary to amend a plan or 10229  
an allocation request that has been approved under division 10230  
(A)(1)(c) of this section, the board shall submit a proposed 10231  
amendment to the director. The director may approve or disapprove 10232  
all or part of the amendment. If the director does not approve all 10233  
or part of the amendment within thirty days after it is submitted, 10234  
the amendment or part of it shall be considered to have been 10235  
approved. The director shall inform the board of the reasons for 10236  
disapproval of all or part of an amendment and of the criteria 10237  
that must be met before the amendment may be approved. The 10238  
director shall provide the board an opportunity to present its 10239  
case on behalf of the amendment. The director shall give the board 10240  
a reasonable time in which to meet the criteria, and shall offer 10241



the board technical assistance to help it meet the criteria. 10242

The board shall implement the plan approved by the 10243  
department. 10244

(d) Receive, compile, and transmit to the department of 10245  
mental health applications for state reimbursement; 10246

(e) Promote, arrange, and implement working agreements with 10247  
social agencies, both public and private, and with judicial 10248  
agencies. 10249

(2) Investigate, or request another agency to investigate, 10250  
any complaint alleging abuse or neglect of any person receiving 10251  
services from a community mental health agency as defined in 10252  
section 5122.01 of the Revised Code, or from a residential 10253  
facility licensed under section 5119.22 of the Revised Code. If 10254  
the investigation substantiates the charge of abuse or neglect, 10255  
the board shall take whatever action it determines is necessary to 10256  
correct the situation, including notification of the appropriate 10257  
authorities. Upon request, the board shall provide information 10258  
about such investigations to the department. 10259

(3) For the purpose of section 5119.611 of the Revised Code, 10260  
cooperate with the director of mental health in visiting and 10261  
evaluating whether the services of a community mental health 10262  
agency satisfy the certification standards established by rules 10263  
adopted under that section; 10264

(4) In accordance with criteria established under division 10265  
(G) of section 5119.61 of the Revised Code, review and evaluate 10266  
the quality, effectiveness, and efficiency of services provided 10267  
through its community mental health plan and submit its findings 10268  
and recommendations to the department of mental health; 10269

(5) In accordance with section 5119.22 of the Revised Code, 10270  
review applications for residential facility licenses and 10271  
recommend to the department of mental health approval or 10272

disapproval of applications; 10273

(6) Audit, in accordance with rules adopted by the auditor of 10274  
state pursuant to section 117.20 of the Revised Code, at least 10275  
annually all programs and services provided under contract with 10276  
the board. In so doing, the board may contract for or employ the 10277  
services of private auditors. A copy of the fiscal audit report 10278  
shall be provided to the director of mental health, the auditor of 10279  
state, and the county auditor of each county in the board's 10280  
district. 10281

(7) Recruit and promote local financial support for mental 10282  
health programs from private and public sources; 10283

(8)(a) Enter into contracts with public and private 10284  
facilities for the operation of facility services included in the 10285  
board's community mental health plan and enter into contracts with 10286  
public and private community mental health agencies for the 10287  
provision of community mental health services that are listed in 10288  
section 340.09 of the Revised Code and included in the board's 10289  
community mental health plan. The board may not contract with a 10290  
community mental health agency to provide community mental health 10291  
services included in the board's community mental health plan 10292  
unless the services are certified by the director of mental health 10293  
under section 5119.611 of the Revised Code. Section 307.86 of the 10294  
Revised Code does not apply to contracts entered into under this 10295  
division. In contracting with a community mental health agency, a 10296  
board shall consider the cost effectiveness of services provided 10297  
by that agency and the quality and continuity of care, and may 10298  
review cost elements, including salary costs, of the services to 10299  
be provided. A utilization review process shall be established as 10300  
part of the contract for services entered into between a board and 10301  
a community mental health agency. The board may establish this 10302  
process in a way that is most effective and efficient in meeting 10303  
local needs. In the case of a contract with a community mental 10304

health facility, as defined in section 5111.023 of the Revised Code, to provide services listed in division (B) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and any rules adopted under division (A) of section 5119.61 of the Revised Code.

If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or

provide the service: 10337

(i) In an emergency situation, any board may operate a 10338  
facility or provide a community mental health service in order to 10339  
provide essential services for the duration of the emergency; 10340

(ii) In a service district with a population of at least one 10341  
hundred thousand but less than five hundred thousand, a board may 10342  
operate a facility or provide a community mental health service 10343  
for no longer than one year; 10344

(iii) In a service district with a population of less than 10345  
one hundred thousand, a board may operate a facility or provide a 10346  
community mental health service for no longer than one year, 10347  
except that such a board may operate a facility or provide a 10348  
community mental health service for more than one year with the 10349  
prior approval of the director and the prior approval of the board 10350  
of county commissioners, or of a majority of the boards of county 10351  
commissioners if the district is a joint-county district. 10352

The director shall not give a board approval to operate a 10353  
facility or provide a community mental health service under 10354  
division (A)(8)(b)(ii) or (iii) of this section unless the 10355  
director determines that it is not feasible to have the department 10356  
operate the facility or provide the service. 10357

The director shall not give a board approval to operate a 10358  
facility or provide a community mental health service under 10359  
division (A)(8)(b)(iii) of this section unless the director 10360  
determines that the board will provide greater administrative 10361  
efficiency and more or better services than would be available if 10362  
the board contracted with a private or public facility or 10363  
community mental health agency. 10364

The director shall not give a board approval to operate a 10365  
facility previously operated by a person or other government 10366  
entity unless the board has established to the director's 10367

satisfaction that the person or other government entity cannot 10368  
effectively operate the facility or that the person or other 10369  
government entity has requested the board to take over operation 10370  
of the facility. The director shall not give a board approval to 10371  
provide a community mental health service previously provided by a 10372  
community mental health agency unless the board has established to 10373  
the director's satisfaction that the agency cannot effectively 10374  
provide the service or that the agency has requested the board 10375  
take over providing the service. 10376

The director shall review and evaluate a board's operation of 10377  
a facility and provision of community mental health service under 10378  
division (A)(8)(b) of this section. 10379

Nothing in division (A)(8)(b) of this section authorizes a 10380  
board to administer or direct the daily operation of any facility 10381  
or community mental health agency, but a facility or agency may 10382  
contract with a board to receive administrative services or staff 10383  
direction from the board under the direction of the governing body 10384  
of the facility or agency. 10385

(9) Approve fee schedules and related charges or adopt a unit 10386  
cost schedule or other methods of payment for contract services 10387  
provided by community mental health agencies in accordance with 10388  
guidelines issued by the department as necessary to comply with 10389  
state and federal laws pertaining to financial assistance; 10390

(10) Submit to the director and the county commissioners of 10391  
the county or counties served by the board, and make available to 10392  
the public, an annual report of the programs under the 10393  
jurisdiction of the board, including a fiscal accounting; 10394

(11) Establish, to the extent resources are available, a 10395  
community support system, which provides for treatment, support, 10396  
and rehabilitation services and opportunities. The essential 10397  
elements of the system include, but are not limited to, the 10398

following components in accordance with section 5119.06 of the Revised Code:	10399
	10400
(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;	10401
	10402
(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;	10403
	10404
	10405
(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;	10406
	10407
	10408
(d) Emergency services and crisis intervention;	10409
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	10410
	10411
(f) The provision of services designed to develop social, community, and personal living skills;	10412
	10413
(g) Access to a wide range of housing and the provision of residential treatment and support;	10414
	10415
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	10416
	10417
	10418
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;	10419
	10420
	10421
	10422
	10423
(j) Grievance procedures and protection of the rights of consumers of mental health services;	10424
	10425
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	10426
	10427
	10428

(12) Designate the treatment program, agency, or facility for 10429  
each person involuntarily committed to the board pursuant to 10430  
Chapter 5122. of the Revised Code and authorize payment for such 10431  
treatment. The board shall provide the least restrictive and most 10432  
appropriate alternative that is available for any person 10433  
involuntarily committed to it and shall assure that the services 10434  
listed in section 340.09 of the Revised Code are available to 10435  
severely mentally disabled persons residing within its service 10436  
district. The board shall establish the procedure for authorizing 10437  
payment for services, which may include prior authorization in 10438  
appropriate circumstances. The board may provide for services 10439  
directly to a severely mentally disabled person when life or 10440  
safety is endangered and when no community mental health agency is 10441  
available to provide the service. 10442

(13) Establish a method for evaluating referrals for 10443  
involuntary commitment and affidavits filed pursuant to section 10444  
5122.11 of the Revised Code in order to assist the probate 10445  
division of the court of common pleas in determining whether there 10446  
is probable cause that a respondent is subject to involuntary 10447  
hospitalization and what alternative treatment is available and 10448  
appropriate, if any; 10449

(14) Ensure that apartments or rooms built, subsidized, 10450  
renovated, rented, owned, or leased by the board or a community 10451  
mental health agency have been approved as meeting minimum fire 10452  
safety standards and that persons residing in the rooms or 10453  
apartments are receiving appropriate and necessary services, 10454  
including culturally relevant services, from a community mental 10455  
health agency. This division does not apply to residential 10456  
facilities licensed pursuant to section 5119.22 of the Revised 10457  
Code. 10458

(15) Establish a mechanism for involvement of consumer 10459  
recommendation and advice on matters pertaining to mental health 10460

services in the alcohol, drug addiction, and mental health service 10461  
district; 10462

(16) Perform the duties under section 3722.18 of the Revised 10463  
Code required by rules adopted under section 5119.61 of the 10464  
Revised Code regarding referrals by the board or mental health 10465  
agencies under contract with the board of individuals with mental 10466  
illness or severe mental disability to adult care facilities and 10467  
effective arrangements for ongoing mental health services for the 10468  
individuals. The board is accountable in the manner specified in 10469  
the rules for ensuring that the ongoing mental health services are 10470  
effectively arranged for the individuals. 10471

(B) The board shall establish such rules, operating 10472  
procedures, standards, and bylaws, and perform such other duties 10473  
as may be necessary or proper to carry out the purposes of this 10474  
chapter. 10475

(C) A board of alcohol, drug addiction, and mental health 10476  
services may receive by gift, grant, devise, or bequest any 10477  
moneys, lands, or property for the benefit of the purposes for 10478  
which the board is established, and may hold and apply it 10479  
according to the terms of the gift, grant, or bequest. All money 10480  
received, including accrued interest, by gift, grant, or bequest 10481  
shall be deposited in the treasury of the county, the treasurer of 10482  
which is custodian of the alcohol, drug addiction, and mental 10483  
health services funds to the credit of the board and shall be 10484  
available for use by the board for purposes stated by the donor or 10485  
grantor. 10486

(D) No board member or employee of a board of alcohol, drug 10487  
addiction, and mental health services shall be liable for injury 10488  
or damages caused by any action or inaction taken within the scope 10489  
of the board member's official duties or the employee's 10490  
employment, whether or not such action or inaction is expressly 10491  
authorized by this section, section 340.033, or any other section 10492



of the Revised Code, unless such action or inaction constitutes 10493  
willful or wanton misconduct. Chapter 2744. of the Revised Code 10494  
applies to any action or inaction by a board member or employee of 10495  
a board taken within the scope of the board member's official 10496  
duties or employee's employment. For the purposes of this 10497  
division, the conduct of a board member or employee shall not be 10498  
considered willful or wanton misconduct if the board member or 10499  
employee acted in good faith and in a manner that the board member 10500  
or employee reasonably believed was in or was not opposed to the 10501  
best interests of the board and, with respect to any criminal 10502  
action or proceeding, had no reasonable cause to believe the 10503  
conduct was unlawful. 10504

(E) The meetings held by any committee established by a board 10505  
of alcohol, drug addiction, and mental health services shall be 10506  
considered to be meetings of a public body subject to section 10507  
121.22 of the Revised Code. 10508

**Sec. 505.37.** (A) The board of township trustees may establish 10509  
all necessary rules to guard against the occurrence of fires and 10510  
to protect the property and lives of the citizens against damage 10511  
and accidents, and may, with the approval of the specifications by 10512  
the prosecuting attorney or, if the township has adopted limited 10513  
home rule government under Chapter 504. of the Revised Code, with 10514  
the approval of the specifications by the township's law director, 10515  
purchase, lease, lease with an option to purchase, or otherwise 10516  
provide any fire apparatus, mechanical resuscitators, or other 10517  
equipment, appliances, materials, fire hydrants, and water supply 10518  
for fire-fighting purposes that seems advisable to the board. The 10519  
board shall provide for the care and maintenance of fire 10520  
equipment, and, for these purposes, may purchase, lease, lease 10521  
with an option to purchase, or construct and maintain necessary 10522  
buildings, and it may establish and maintain lines of fire-alarm 10523  
communications within the limits of the township. The board may 10524

employ one or more persons to maintain and operate fire-fighting 10525  
equipment, or it may enter into an agreement with a volunteer fire 10526  
company for the use and operation of fire-fighting equipment. The 10527  
board may compensate the members of a volunteer fire company on 10528  
any basis and in any amount that it considers equitable. 10529

10530

When the estimated cost to purchase fire apparatus, 10531  
mechanical resuscitators, other equipment, appliances, materials, 10532  
fire hydrants, buildings, or fire-alarm communications equipment 10533  
or services exceeds fifty thousand dollars, the contract shall be 10534  
let by competitive bidding. When competitive bidding is required, 10535  
the board shall advertise for not less than two nor more than four 10536  
consecutive weeks in a newspaper of general circulation within the 10537  
township. The advertisement shall include the time, date, and 10538  
place where the clerk of the township, or the clerk's designee, 10539  
will read bids publicly. The time, date, and place of bid openings 10540  
may be extended to a later date by the board of township trustees, 10541  
provided that written or oral notice of the change shall be given 10542  
to all persons who have received or requested specifications not 10543  
later than ninety-six hours prior to the original time and date 10544  
fixed for the opening. The board may reject all the bids or accept 10545  
the lowest and best bid, provided that the successful bidder meets 10546  
the requirements of section 153.54 of the Revised Code when the 10547  
contract is for the construction, demolition, alteration, repair, 10548  
or reconstruction of an improvement. 10549

(B) The boards of township trustees of any two or more 10550  
townships, or the legislative authorities of any two or more 10551  
political subdivisions, or any combination of these, may, through 10552  
joint action, unite in the joint purchase, lease, lease with an 10553  
option to purchase, maintenance, use, and operation of 10554  
fire-fighting equipment, or for any other purpose designated in 10555  
sections 505.37 to 505.42 of the Revised Code, and may prorate the 10556

expense of the joint action on any terms that are mutually agreed upon. 10557  
10558

(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their occurrence, create a fire district of any portions of the township that it considers necessary. The board may purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, appliances, materials, fire hydrants, and water supply for fire-fighting purposes, or may contract for the fire protection for the fire district as provided in section 9.60 of the Revised Code. The fire district so created shall be given a separate name by which it shall be known. 10559  
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Additional unincorporated territory of the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition. A municipal corporation that is within or adjoining the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition and the municipal legislative authority's adoption of a resolution or ordinance requesting the addition of the municipal corporation to the fire district. 10571  
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If the township fire district imposes a tax, additional unincorporated territory of the township or a municipal corporation that is within or adjoining the township shall become part of the fire district only after all of the following have occurred: 10579  
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(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal 10584  
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corporation to the district; 10589

(2) Adoption by the board of township trustees of a 10590  
resolution recommending the extension of the tax to the additional 10591  
territory; 10592

(3) Approval of the tax by the electors of the territory 10593  
proposed for addition to the district. 10594

Each resolution of the board adopted under division (C)(2) of 10595  
this section shall state the name of the fire district, a 10596  
description of the territory to be added, and the rate and 10597  
termination date of the tax, which shall be the rate and 10598  
termination date of the tax currently in effect in the fire 10599  
district. 10600

The board of trustees shall certify each resolution adopted 10601  
under division (C)(2) of this section to the board of elections in 10602  
accordance with section 5705.19 of the Revised Code. The election 10603  
required under division (C)(3) of this section shall be held, 10604  
canvassed, and certified in the manner provided for the submission 10605  
of tax levies under section 5705.25 of the Revised Code, except 10606  
that the question appearing on the ballot shall read: 10607

"Shall the territory within ..... 10608  
(description of the proposed territory to be added) be added to 10609  
..... (name) fire district, and a property tax 10610  
at a rate of taxation not exceeding ..... (here insert tax rate) 10611  
be in effect for ..... (here insert the number of years the 10612  
tax is to be in effect or "a continuing period of time," as 10613  
applicable)?" 10614

If the question is approved by at least a majority of the 10615  
electors voting on it, the joinder shall be effective as of the 10616  
first day of July of the year following approval, and on that 10617  
date, the township fire district tax shall be extended to the 10618  
taxable property within the territory that has been added. If the 10619

territory that has been added is a municipal corporation and if it 10620  
had adopted a tax levy for fire purposes, the levy is terminated 10621  
on the effective date of the joinder. 10622

Any municipal corporation may withdraw from a township fire 10623  
district created under division (C) of this section by the 10624  
adoption by the municipal legislative authority of a resolution or 10625  
ordinance ordering withdrawal. On the first day of July of the 10626  
year following the adoption of the resolution or ordinance of 10627  
withdrawal, the municipal corporation withdrawing ceases to be a 10628  
part of the district, and the power of the fire district to levy a 10629  
tax upon taxable property in the withdrawing municipal corporation 10630  
terminates, except that the fire district shall continue to levy 10631  
and collect taxes for the payment of indebtedness within the 10632  
territory of the fire district as it was composed at the time the 10633  
indebtedness was incurred. 10634

Upon the withdrawal of any municipal corporation from a 10635  
township fire district created under division (C) of this section, 10636  
the county auditor shall ascertain, apportion, and order a 10637  
division of the funds on hand, moneys and taxes in the process of 10638  
collection except for taxes levied for the payment of 10639  
indebtedness, credits, and real and personal property, either in 10640  
money or in kind, on the basis of the valuation of the respective 10641  
tax duplicates of the withdrawing municipal corporation and the 10642  
remaining territory of the fire district. 10643

A board of township trustees may remove unincorporated 10644  
territory of the township from the fire district upon the adoption 10645  
of a resolution authorizing the removal. On the first day of July 10646  
of the year following the adoption of the resolution, the 10647  
unincorporated township territory described in the resolution 10648  
ceases to be a part of the district, and the power of the fire 10649  
district to levy a tax upon taxable property in that territory 10650  
terminates, except that the fire district shall continue to levy 10651

and collect taxes for the payment of indebtedness within the 10652  
territory of the fire district as it was composed at the time the 10653  
indebtedness was incurred. 10654

(D) The board of township trustees of any township, the board 10655  
of fire district trustees of a fire district created under section 10656  
505.371 of the Revised Code, or the legislative authority of any 10657  
municipal corporation may purchase, lease, or lease with an option 10658  
to purchase the necessary fire-fighting equipment, buildings, and 10659  
sites for the township, fire district, or municipal corporation 10660  
and issue securities for that purpose with maximum maturities as 10661  
provided in section 133.20 of the Revised Code. The board of 10662  
township trustees, board of fire district trustees, or legislative 10663  
authority may also construct any buildings necessary to house 10664  
fire-fighting equipment and issue securities for that purpose with 10665  
maximum maturities as provided in section 133.20 of the Revised 10666  
Code. 10667

The board of township trustees, board of fire district 10668  
trustees, or legislative authority may issue the securities of the 10669  
township, fire district, or municipal corporation, signed by the 10670  
board or designated officer of the municipal corporation and 10671  
attested by the signature of the township fiscal officer, fire 10672  
district clerk, or municipal clerk, covering any deferred payments 10673  
and payable at the times provided, which securities shall bear 10674  
interest not to exceed the rate determined as provided in section 10675  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10676  
of the Revised Code. The legislation authorizing the issuance of 10677  
the securities shall provide for levying and collecting annually 10678  
by taxation, amounts sufficient to pay the interest on and 10679  
principal of the securities. The securities shall be offered for 10680  
sale on the open market or given to the vendor or contractor if no 10681  
sale is made. 10682

Section 505.40 of the Revised Code does not apply to any 10683

securities issued, or any lease with an option to purchase entered 10684  
into, in accordance with this division. 10685

(E) A board of township trustees of any township or a board 10686  
of fire district trustees of a fire district created under section 10687  
505.371 of the Revised Code may purchase a policy or policies of 10688  
liability insurance for the officers, employees, and appointees of 10689  
the fire department, fire district, or joint fire district 10690  
governed by the board that includes personal injury liability 10691  
coverage as to the civil liability of those officers, employees, 10692  
and appointees for false arrest, detention, or imprisonment, 10693  
malicious prosecution, libel, slander, defamation or other 10694  
violation of the right of privacy, wrongful entry or eviction, or 10695  
other invasion of the right of private occupancy, arising out of 10696  
the performance of their duties. 10697

When a board of township trustees cannot, by deed of gift or 10698  
by purchase and upon terms it considers reasonable, procure land 10699  
for a township fire station that is needed in order to respond in 10700  
reasonable time to a fire or medical emergency, the board may 10701  
appropriate land for that purpose under sections 163.01 to 163.22 10702  
of the Revised Code. If it is necessary to acquire additional 10703  
adjacent land for enlarging or improving the fire station, the 10704  
board may purchase, appropriate, or accept a deed of gift for the 10705  
land for these purposes. 10706

(F) As used in this division, "emergency medical service 10707  
organization" has the same meaning as in section 4766.01 of the 10708  
Revised Code. 10709

A board of township trustees, by adoption of an appropriate 10710  
resolution, may choose to have the Ohio medical transportation 10711  
board license any emergency medical service organization it 10712  
operates. If the board adopts such a resolution, Chapter 4766. of 10713  
the Revised Code, except for sections 4766.06 and 4766.99 of the 10714  
Revised Code, applies to the organization. All rules adopted under 10715

the applicable sections of that chapter also apply to the 10716  
organization. A board of township trustees, by adoption of an 10717  
appropriate resolution, may remove its emergency medical service 10718  
organization from the jurisdiction of the Ohio medical 10719  
transportation board. 10720

**Sec. 505.376.** When any expenditure of a fire and ambulance 10721  
district, other than for the compensation of district employees, 10722  
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 10723  
expenditure shall be in writing and made with the lowest and best 10724  
bidder after advertising for not less than two nor more than four 10725  
consecutive weeks in a newspaper of general circulation within the 10726  
district. The bids shall be opened and shall be publicly read by 10727  
the clerk of the district, or the clerk's designee, at the time, 10728  
date, and place specified in the advertisement to bidders or the 10729  
specifications. The time, date, and place of bid openings may be 10730  
extended to a later date by the board of trustees of the district, 10731  
provided that written or oral notice of the change shall be given 10732  
to all persons who have received or requested specifications no 10733  
later than ninety-six hours prior to the original time and date 10734  
fixed for the opening. 10735

Each bid on any contract shall contain the full name of every 10736  
person interested in the bid. If the bid is for a contract for the 10737  
construction, demolition, alteration, repair, or reconstruction of 10738  
an improvement, it shall meet the requirements of section 153.54 10739  
of the Revised Code. If the bid is for any other contract, it 10740  
shall be accompanied by a sufficient bond or certified check, 10741  
cashier's check, or money order on a solvent bank or savings and 10742  
loan association that, if the bid is accepted, a contract will be 10743  
entered into and the performance of it will be properly secured. 10744  
If the bid for work embraces both labor and material, it shall be 10745  
separately stated, with the price of the labor and the material. 10746  
The board may reject any and all bids. The contract shall be 10747



between the district and the bidder, and the district shall pay 10748  
the contract price in cash. When a bonus is offered for completion 10749  
of a contract prior to a specified date, the board may exact a 10750  
prorated penalty in like sum for each day of delay beyond the 10751  
specified date. When there is reason to believe there is collusion 10752  
or combination among bidders, the bids of those concerned shall be 10753  
rejected. 10754

**Sec. 505.705.** A board of township trustees may agree to 10755  
appropriate township general revenue fund moneys to, and may agree 10756  
to grant or lend moneys from the township general revenue fund to, 10757  
any political subdivision with authority to provide water ~~or,~~ 10758  
sanitary sewerage services, or both, to storm water drainage 10759  
within the township, for the purpose of providing moneys to the 10760  
political subdivision to pay for the planning of or actual costs, 10761  
fees, debt retirement, or any other expense, including, but not 10762  
limited to, administrative and professional fees, incurred in 10763  
supplying one or more of these purposes within the township, or 10764  
the planning of or actual construction, maintenance, repair, ~~and~~ 10765  
or operation of water or, sanitary sewerage systems, or both, that 10766  
service storm water drainage within the township. A board of 10767  
township trustees that grants or lends moneys to a political 10768  
subdivision for this purpose shall expressly state the terms of 10769  
the grant or loan agreement in a written memorandum. 10770

**Sec. 517.08.** The proceeds arising from the sale of cemetery 10771  
lots under section 517.07 of the Revised Code shall be used in 10772  
maintaining, improving, beautifying, and embellishing such 10773  
grounds, except that upon unanimous consent of the board of 10774  
township trustees, such proceeds may be used in the purchase or 10775  
appropriation of additional land for cemetery purposes in 10776  
accordance with sections 517.01 and 517.13 of the Revised Code; 10777  
and the board of township trustees may build and maintain proper 10778

and secure fences around all such cemeteries, to be paid for from 10779  
the township funds. 10780

**Sec. 519.12.** (A)(1) Amendments to the zoning resolution may 10781  
be initiated by motion of the township zoning commission, by the 10782  
passage of a resolution by the board of township trustees, or by 10783  
the filing of an application by one or more of the owners or 10784  
lessees of property within the area proposed to be changed or 10785  
affected by the proposed amendment with the township zoning 10786  
commission. The board of township trustees may require that the 10787  
owner or lessee of property filing an application to amend the 10788  
zoning resolution pay a fee to defray the cost of advertising, 10789  
mailing, filing with the county recorder, and other expenses. If 10790  
the board of township trustees requires such a fee, it shall be 10791  
required generally, for each application. The board of township 10792  
trustees, upon the passage of such a resolution, shall certify it 10793  
to the township zoning commission. 10794

(2) Upon the adoption of a motion by the township zoning 10795  
commission, the certification of a resolution by the board of 10796  
township trustees to the commission, or the filing of an 10797  
application by property owners or lessees as described in division 10798  
(A)(1) of this section with the commission, the commission shall 10799  
set a date for a public hearing, which date shall not be less than 10800  
twenty nor more than forty days from the date of the certification 10801  
of such a resolution, the date of adoption of such a motion, or 10802  
the date of the filing of such an application. Notice of the 10803  
hearing shall be given by the commission by one publication in one 10804  
or more newspapers of general circulation in the township at least 10805  
ten days before the date of the hearing. 10806

(B) If the proposed amendment intends to rezone or redistrict 10807  
ten or fewer parcels of land, as listed on the county auditor's 10808  
current tax list, written notice of the hearing shall be mailed by 10809

the township zoning commission, by first class mail, at least ten 10810  
days before the date of the public hearing to all owners of 10811  
property within and contiguous to and directly across the street 10812  
from the area proposed to be rezoned or redistricted to the 10813  
addresses of those owners appearing on the county auditor's 10814  
current tax list. The failure of delivery of that notice shall not 10815  
invalidate any such amendment. 10816

(C) If the proposed amendment intends to rezone or redistrict 10817  
ten or fewer parcels of land as listed on the county auditor's 10818  
current tax list, the published and mailed notices shall set forth 10819  
the time, date, and place of the public hearing and include all of 10820  
the following: 10821

(1) The name of the township zoning commission that will be 10822  
conducting the hearing; 10823

(2) A statement indicating that the motion, resolution, or 10824  
application is an amendment to the zoning resolution; 10825

(3) A list of the addresses of all properties to be rezoned 10826  
or redistricted by the proposed amendment and of the names of 10827  
owners of those properties, as they appear on the county auditor's 10828  
current tax list; 10829

(4) The present zoning classification of property named in 10830  
the proposed amendment and the proposed zoning classification of 10831  
that property; 10832

(5) The time and place where the motion, resolution, or 10833  
application proposing to amend the zoning resolution will be 10834  
available for examination for a period of at least ten days prior 10835  
to the hearing; 10836

(6) The name of the person responsible for giving notice of 10837  
the hearing by publication, by mail, or by both publication and 10838  
mail; 10839

(7) A statement that, after the conclusion of the hearing, 10840  
the matter will be submitted to the board of township trustees for 10841  
its action; 10842

(8) Any other information requested by the commission. 10843

(D) If the proposed amendment alters the text of the zoning 10844  
resolution, or rezones or redistricts more than ten parcels of 10845  
land as listed on the county auditor's current tax list, the 10846  
published notice shall set forth the time, date, and place of the 10847  
public hearing and include all of the following: 10848

(1) The name of the township zoning commission that will be 10849  
conducting the hearing on the proposed amendment; 10850

(2) A statement indicating that the motion, application, or 10851  
resolution is an amendment to the zoning resolution; 10852

(3) The time and place where the text and maps of the 10853  
proposed amendment will be available for examination for a period 10854  
of at least ten days prior to the hearing; 10855

(4) The name of the person responsible for giving notice of 10856  
the hearing by publication; 10857

(5) A statement that, after the conclusion of the hearing, 10858  
the matter will be submitted to the board of township trustees for 10859  
its action; 10860

(6) Any other information requested by the commission. 10861

(E) Within five days after the adoption of the motion 10862  
described in division (A) of this section, the certification of 10863  
the resolution described in division (A) of this section, or the 10864  
filing of the application described in division (A) of this 10865  
section, the township zoning commission shall transmit a copy of 10866  
it together with text and map pertaining to it to the county or 10867  
regional planning commission, if there is such a commission. 10868

The county or regional planning commission shall recommend 10869

the approval or denial of the proposed amendment or the approval 10870  
of some modification of it and shall submit its recommendation to 10871  
the township zoning commission. The recommendation shall be 10872  
considered at the public hearing held by the township zoning 10873  
commission on the proposed amendment. 10874

The township zoning commission, within thirty days after the 10875  
hearing, shall recommend the approval or denial of the proposed 10876  
amendment, or the approval of some modification of it, and submit 10877  
that recommendation together with the motion, application, or 10878  
resolution involved, the text and map pertaining to the proposed 10879  
amendment, and the recommendation of the county or regional 10880  
planning commission on it to the board of township trustees. 10881

The board of township trustees, upon receipt of that 10882  
recommendation, shall set a time for a public hearing on the 10883  
proposed amendment, which date shall not be more than thirty days 10884  
from the date of the receipt of that recommendation. Notice of the 10885  
hearing shall be given by the board by one publication in one or 10886  
more newspapers of general circulation in the township, at least 10887  
ten days before the date of the hearing. 10888

(F) If the proposed amendment intends to rezone or redistrict 10889  
ten or fewer parcels of land as listed on the county auditor's 10890  
current tax list, the published notice shall set forth the time, 10891  
date, and place of the public hearing and include all of the 10892  
following: 10893

(1) The name of the board of township trustees that will be 10894  
conducting the hearing; 10895

(2) A statement indicating that the motion, application, or 10896  
resolution is an amendment to the zoning resolution; 10897

(3) A list of the addresses of all properties to be rezoned 10898  
or redistricted by the proposed amendment and of the names of 10899  
owners of those properties, as they appear on the county auditor's 10900

current tax list;	10901
(4) The present zoning classification of property named in	10902
the proposed amendment and the proposed zoning classification of	10903
that property;	10904
(5) The time and place where the motion, application, or	10905
resolution proposing to amend the zoning resolution will be	10906
available for examination for a period of at least ten days prior	10907
to the hearing;	10908
(6) The name of the person responsible for giving notice of	10909
the hearing by publication, by mail, or by both publication and	10910
mail;	10911
(7) Any other information requested by the board.	10912
(G) If the proposed amendment alters the text of the zoning	10913
resolution, or rezones or redistricts more than ten parcels of	10914
land as listed on the county auditor's current tax list, the	10915
published notice shall set forth the time, date, and place of the	10916
public hearing and include all of the following:	10917
(1) The name of the board of township trustees that will be	10918
conducting the hearing on the proposed amendment;	10919
(2) A statement indicating that the motion, application, or	10920
resolution is an amendment to the zoning resolution;	10921
(3) The time and place where the text and maps of the	10922
proposed amendment will be available for examination for a period	10923
of at least ten days prior to the hearing;	10924
(4) The name of the person responsible for giving notice of	10925
the hearing by publication;	10926
(5) Any other information requested by the board.	10927
(H) Within twenty days after its public hearing, the board of	10928
township trustees shall either adopt or deny the recommendations	10929
of the township zoning commission or adopt some modification of	10930

them. If the board denies or modifies the commission's 10931  
recommendations, ~~the unanimous~~ a two-thirds vote of the board 10932  
shall be required. 10933

The proposed amendment, if adopted by the board, shall become 10934  
effective in thirty days after the date of its adoption, unless, 10935  
within thirty days after the adoption, there is presented to the 10936  
board of township trustees a petition, signed by a number of 10937  
registered electors residing in the unincorporated area of the 10938  
township or part of that unincorporated area included in the 10939  
zoning plan equal to not less than eight per cent of the total 10940  
vote cast for all candidates for governor in that area at the most 10941  
recent general election at which a governor was elected, 10942  
requesting the board of township trustees to submit the amendment 10943  
to the electors of that area for approval or rejection at a 10944  
special election to be held on the day of the next primary or 10945  
general election that occurs at least seventy-five days after the 10946  
petition is filed. Each part of this petition shall contain the 10947  
number and the full and correct title, if any, of the zoning 10948  
amendment resolution, motion, or application, furnishing the name 10949  
by which the amendment is known and a brief summary of its 10950  
contents. In addition to meeting the requirements of this section, 10951  
each petition shall be governed by the rules specified in section 10952  
3501.38 of the Revised Code. 10953

The form of a petition calling for a zoning referendum and 10954  
the statement of the circulator shall be substantially as follows: 10955

"PETITION FOR ZONING REFERENDUM 10956

(if the proposal is identified by a particular name or number, or 10957  
both, these should be inserted here) ..... 10958

A proposal to amend the zoning map of the unincorporated area 10959  
of ..... Township, ..... County, Ohio, adopted 10960  
.....(date)..... (followed by brief summary of the proposal). 10961

To the Board of Township Trustees of ..... 10962  
Township, ..... County, Ohio: 10963  
~~..... County, Ohio:~~ 10964

We, the undersigned, being electors residing in the 10965  
unincorporated area of ..... Township, included 10966  
within the ..... Township Zoning Plan, equal to not less 10967  
than eight per cent of the total vote cast for all candidates for 10968  
governor in the area at the preceding general election at which a 10969  
governor was elected, request the Board of Township Trustees to 10970  
submit this amendment of the zoning resolution to the electors of 10971  
..... Township residing within the 10972  
unincorporated area of the township included in the 10973  
..... Township Zoning Resolution, for approval or 10974  
rejection at a special election to be held on the day of the 10975  
primary or general election to be held on .....(date)....., 10976  
pursuant to section 519.12 of the Revised Code. 10977

Street Address	Date of	10978
Signature or R.F.D. Township Precinct County	Signing	10979
.....		10980
.....		10981

STATEMENT OF CIRCULATOR 10982

I, .....(name of circulator)....., declare under 10983  
penalty of election falsification that I am an elector of the 10984  
state of Ohio and reside at the address appearing below my 10985  
signature; that I am the circulator of the foregoing part petition 10986  
containing .....(number)..... signatures; that I have 10987  
witnessed the affixing of every signature; that all signers were 10988  
to the best of my knowledge and belief qualified to sign; and that 10989  
every signature is to the best of my knowledge and belief the 10990  
signature of the person whose signature it purports to be or of an 10991  
attorney in fact acting pursuant to section 3501.382 of the 10992



Revised Code.	10993
.....	10994
(Signature of circulator)	10995
.....	10996
(Address of circulator's permanent residence in this state)	10997 10998
.....	10999
(City, village, or township, and zip code)	11000 11001
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	11002
OF THE FIFTH DEGREE."	11003
The petition shall be filed with the board of township	11004
trustees and shall be accompanied by an appropriate map of the	11005
area affected by the zoning proposal. Within two weeks after	11006
receiving a petition filed under this section, the board of	11007
township trustees shall certify the petition to the board of	11008
elections. A petition filed under this section shall be certified	11009
to the board of elections not less than seventy-five days prior to	11010
the election at which the question is to be voted upon.	11011
The board of elections shall determine the sufficiency and	11012
validity of each petition certified to it by a board of township	11013
trustees under this section. If the board of elections determines	11014
that a petition is sufficient and valid, the question shall be	11015
voted upon at a special election to be held on the day of the next	11016
primary or general election that occurs at least seventy-five days	11017
after the date the petition is filed with the board of township	11018
trustees, regardless of whether any election will be held to	11019
nominate or elect candidates on that day.	11020
No amendment for which such a referendum vote has been	11021
requested shall be put into effect unless a majority of the vote	11022
cast on the issue is in favor of the amendment. Upon certification	11023
by the board of elections that the amendment has been approved by	11024

the voters, it shall take immediate effect. 11025

Within five working days after an amendment's effective date, 11026  
the board of township trustees shall file the text and maps of the 11027  
amendment in the office of the county recorder and with the county 11028  
or regional planning commission, if one exists. 11029

The failure to file any amendment, or any text and maps, or 11030  
duplicates of any of these documents, with the office of the 11031  
county recorder or the county or regional planning commission as 11032  
required by this section does not invalidate the amendment and is 11033  
not grounds for an appeal of any decision of the board of zoning 11034  
appeals. 11035

**Sec. 711.001.** As used in this chapter: 11036

(A) "Plat" means a map of a tract or parcel of land. 11037

(B) "Subdivision" means either of the following: 11038

(1) The division of any parcel of land shown as a unit or as 11039  
contiguous units on the last preceding general tax list and 11040  
duplicate of real and public utility property, into two or more 11041  
parcels, sites, or lots, any one of which is less than five acres 11042  
for the purpose, whether immediate or future, of transfer of 11043  
ownership, provided, however, that the following are exempt: 11044

(a) A division or partition of land into parcels of more than 11045  
five acres not involving any new streets or easements of access; 11046

(b) The sale or exchange of parcels between adjoining lot 11047  
owners, where that sale or exchange does not create additional 11048  
building sites; 11049

(c) If the planning authority adopts a rule in accordance 11050  
with section 711.133 of the Revised Code that exempts from 11051  
division (B)(1) of this section any parcel of land that is four 11052  
acres or more, parcels in the size range delineated in that rule. 11053

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(C) "Household sewage treatment system" has the same meaning as in section 3709.091 of the Revised Code.

**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 congestion of population detrimental to the public health, safety, or welfare, but shall not impose a greater minimum lot area than forty-eight hundred square feet. Before the board may amend or adopt rules, it shall notify all the townships in the county of the proposed amendments or rules by regular mail at least thirty days before the public meeting at which the proposed amendments or rules are to be considered.

The rules may require the board of health to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable zoning resolutions, and with rules governing household sewage treatment ~~rules adopted under section 3718.02 of the Revised Code~~ systems, as a basis for approval of a plat. Where under section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, the general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted.

(C) The ground of refusal to approve any plat, submitted in accordance with section 711.041 of the Revised Code, shall be stated upon the record of the board, and, within sixty days thereafter, the person submitting any plat that the board refuses to approve may file a petition in the court of common pleas of the county in which the land described in the plat is situated to review the action of the board. A board of township trustees is not entitled to appeal a decision of the board of county commissioners under this section.

**Sec. 711.10.** (A) Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section 711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission under division (C) of this section and the approval is endorsed in writing on the plat.

(B) A county or regional planning commission may require the submission of a preliminary plan for each plat sought to be recorded. If the commission requires this submission, it shall provide for a review process for the preliminary plan. Under this review process, the planning commission shall give its approval, its approval with conditions, or its disapproval of each preliminary plan. The commission's decision shall be in writing, shall be under the signature of the secretary of the commission, and shall be issued within thirty-five business days after the submission of the preliminary plan to the commission. The disapproval of a preliminary plan shall state the reasons for the disapproval. A decision of the commission under this division is preliminary to and separate from the commission's decision to approve, conditionally approve, or refuse to approve a plat under

division (C) of this section. 11149

(C) Within five calendar days after the submission of a plat 11150  
for approval under this division, the county or regional planning 11151  
commission shall schedule a meeting to consider the plat and send 11152  
a notice by regular mail or by electronic mail to the fiscal 11153  
officer of the board of township trustees of the township in which 11154  
the plat is located and the board of health of the health district 11155  
in which the plat is located. The notice shall inform the trustees 11156  
and the board of health of the submission of the plat and of the 11157  
date, time, and location of any meeting at which the county or 11158  
regional planning commission will consider or act upon the plat. 11159  
The meeting shall take place within thirty calendar days after 11160  
submission of the plat, and no meeting shall be held until at 11161  
least seven calendar days have passed from the date the planning 11162  
commission sent the notice. 11163

The approval of the county or regional planning commission, 11164  
the commission's conditional approval as described in this 11165  
division, or the refusal of the commission to approve shall be 11166  
endorsed on the plat within thirty calendar days after the 11167  
submission of the plat for approval under this division or within 11168  
such further time as the applying party may agree to in writing; 11169  
otherwise that plat is deemed approved, and the certificate of the 11170  
commission as to the date of the submission of the plat for 11171  
approval under this division and the failure to take action on it 11172  
within that time shall be sufficient in lieu of the written 11173  
endorsement or evidence of approval required by this division. 11174

A county or regional planning commission may grant 11175  
conditional approval under this division to a plat by requiring a 11176  
person submitting the plat to alter the plat or any part of it, 11177  
within a specified period after the end of the thirty calendar 11178  
days, as a condition for final approval under this division. Once 11179  
all the conditions have been met within the specified period, the 11180

commission shall cause its final approval under this division to 11181  
be endorsed on the plat. No plat shall be recorded until it is 11182  
endorsed with the commission's final or unconditional approval 11183  
under this division. 11184

The ground of refusal of approval of any plat submitted under 11185  
this division, including citation of or reference to the rule 11186  
violated by the plat, shall be stated upon the record of the 11187  
county or regional planning commission. Within sixty calendar days 11188  
after the refusal under this division, the person submitting any 11189  
plat that the commission refuses to approve under this division 11190  
may file a petition in the court of common pleas of the proper 11191  
county, and the proceedings on the petition shall be governed by 11192  
section 711.09 of the Revised Code as in the case of the refusal 11193  
of a planning authority to approve a plat. A board of township 11194  
trustees is not entitled to appeal a decision of the commission 11195  
under this division. 11196

A county or regional planning commission shall adopt general 11197  
rules, of uniform application, governing plats and subdivisions of 11198  
land falling within its jurisdiction, to secure and provide for 11199  
the proper arrangement of streets or other highways in relation to 11200  
existing or planned streets or highways or to the county or 11201  
regional plan, for adequate and convenient open spaces for 11202  
traffic, utilities, access of firefighting apparatus, recreation, 11203  
light, and air, and for the avoidance of congestion of population. 11204  
The rules may provide for their modification by the commission in 11205  
specific cases where unusual topographical and other exceptional 11206  
conditions require the modification. The rules may require the 11207  
board of health to review and comment on a plat before the 11208  
commission acts upon it and also may require proof of compliance 11209  
with any applicable zoning resolutions, and with rules governing 11210  
household sewage treatment ~~rules adopted under section 3718.02 of~~ 11211  
~~the Revised Code~~ systems, as a basis for approval of a plat. 11212

Before adoption of its rules or amendment of its rules, the 11213  
commission shall hold a public hearing on the adoption or 11214  
amendment. Notice of the public hearing shall be sent to all 11215  
townships in the county or region by regular mail or electronic 11216  
mail at least thirty business days before the hearing. No county 11217  
or regional planning commission shall adopt any rules requiring 11218  
actual construction of streets or other improvements or facilities 11219  
or assurance of that construction as a condition precedent to the 11220  
approval of a plat of a subdivision unless the requirements have 11221  
first been adopted by the board of county commissioners after a 11222  
public hearing. A copy of the rules shall be certified by the 11223  
planning commission to the county recorders of the appropriate 11224  
counties. 11225

After a county or regional street or highway plan has been 11226  
adopted as provided in this section, the approval of plats and 11227  
subdivisions provided for in this section shall be in lieu of any 11228  
approvals provided for in other sections of the Revised Code, 11229  
insofar as the territory within the approving jurisdiction of the 11230  
county or regional planning commission, as provided in this 11231  
section, is concerned. Approval of a plat shall not be an 11232  
acceptance by the public of the dedication of any street, highway, 11233  
or other way or open space shown upon the plat. 11234

No county or regional planning commission shall require a 11235  
person submitting a plat to alter the plat or any part of it as 11236  
long as the plat is in accordance with the general rules governing 11237  
plats and subdivisions of land, adopted by the commission as 11238  
provided in this section, in effect at the time the plat is 11239  
submitted. 11240

A county or regional planning commission and a city or 11241  
village planning commission, or platting commissioner or 11242  
legislative authority of a village, with subdivision regulation 11243  
jurisdiction over unincorporated territory within the county or 11244



region may cooperate and agree by written agreement that the 11245  
approval of a plat by the city or village planning commission, or 11246  
platting commissioner or legislative authority of a village, as 11247  
provided in section 711.09 of the Revised Code, shall be 11248  
conditioned upon receiving advice from or approval by the county 11249  
or regional planning commission. 11250

(D) As used in this section, "business day" means a day of 11251  
the week excluding Saturday, Sunday, or a legal holiday as defined 11252  
in section 1.14 of the Revised Code. 11253

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 11254  
of the Revised Code and except as provided in division (C) of this 11255  
section, unless the rules adopted under section 711.05, 711.09, or 11256  
711.10 of the Revised Code are amended pursuant to division (B) of 11257  
this section, a proposed division of a parcel of land along an 11258  
existing public street, not involving the opening, widening, or 11259  
extension of any street or road, and involving no more than five 11260  
lots after the original tract has been completely subdivided, may 11261  
be submitted to the planning authority having approving 11262  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 11263  
the Revised Code for approval without plat. If the authority 11264  
acting through a properly designated representative finds that a 11265  
proposed division is not contrary to applicable platting, 11266  
subdividing, zoning, health, sanitary, or access management 11267  
regulations, regulations adopted under division (B)(3) of section 11268  
307.37 of the Revised Code regarding existing surface or 11269  
subsurface drainage, or ~~household sewage treatment rules adopted~~ 11270  
~~under section 3718.02 of the Revised Code, including, but not~~ 11271  
~~limited to,~~ rules governing household sewage ~~disposal~~ treatment 11272  
systems, it shall approve the proposed division within seven 11273  
business days after its submission and, on presentation of a 11274  
conveyance of the parcel, shall stamp the conveyance "approved by 11275  
(planning authority); no plat required" and have it signed by its 11276

clerk, secretary, or other official as may be designated by it. 11277  
The planning authority may require the submission of a sketch and 11278  
other information that is pertinent to its determination under 11279  
this division. 11280

(B) For a period of up to two years after ~~the effective date~~ 11281  
~~of this amendment~~ April 15, 2005, the rules adopted under section 11282  
711.05, 711.09, or 711.10 of the Revised Code may be amended 11283  
within that period to authorize the planning authority involved to 11284  
approve proposed divisions of parcels of land without plat under 11285  
this division. If an authority so amends its rules, it may approve 11286  
no more than five lots without a plat from an original tract as 11287  
that original tract exists on the effective date of the amendment 11288  
to the rules. The authority shall make the findings and approve a 11289  
proposed division in the time and manner specified in division (A) 11290  
of this section. 11291

(C) This section does not apply to parcels subject to section 11292  
711.133 of the Revised Code. 11293

(D) As used in this section: 11294

~~(1)~~, "Business business day" means a day of the week 11295  
excluding Saturday, Sunday, or a legal holiday as defined in 11296  
section 1.14 of the Revised Code. 11297

~~(2) "Household sewage disposal system" has the same meaning~~ 11298  
~~as in section 3709.091 of the Revised Code.~~ 11299

**Sec. 718.051.** (A) As used in this section, "Ohio business 11300  
gateway" means the online computer network system, ~~initially~~ 11301  
~~created~~ maintained by the ~~department of administrative services~~ 11302  
office of information technology under section ~~125.30~~ 126.18 of 11303  
the Revised Code, that allows private businesses to electronically 11304  
file business reply forms with state agencies and includes any 11305  
successor electronic filing and payment system. 11306

(B) Notwithstanding section 718.05 of the Revised Code, on 11307  
and after January 1, 2005, any taxpayer that is subject to any 11308  
municipal corporation's tax on the net profit from a business or 11309  
profession and has received an extension to file the federal 11310  
income tax return shall not be required to notify the municipal 11311  
corporation of the federal extension and shall not be required to 11312  
file any municipal income tax return until the last day of the 11313  
month to which the due date for filing the federal return has been 11314  
extended, provided that, on or before the date for filing the 11315  
municipal income tax return, the person notifies the tax 11316  
commissioner of the federal extension through the Ohio business 11317  
gateway. An extension of time to file is not an extension of the 11318  
time to pay any tax due. 11319

(C) For taxable years beginning on or after January 1, 2005, 11320  
a taxpayer subject to any municipal corporation's tax on the net 11321  
profit from a business or profession may file any municipal income 11322  
tax return or estimated municipal income return, and may make 11323  
payment of amounts shown to be due on such returns, by using the 11324  
Ohio business gateway. 11325

(D)(1) As used in this division, "qualifying wages" has the 11326  
same meaning as in section 718.03 of the Revised Code. 11327

(2) Any employer may report the amount of municipal income 11328  
tax withheld from qualifying wages paid on or after January 1, 11329  
2007, and may make remittance of such amounts, by using the Ohio 11330  
business gateway. 11331

(E) Nothing in this section affects the due dates for filing 11332  
employer withholding tax returns. 11333

(F) No municipal corporation shall be required to pay any fee 11334  
or charge for the operation or maintenance of the Ohio business 11335  
gateway. 11336

(G) The use of the Ohio business gateway by municipal 11337

corporations, taxpayers, or other persons pursuant to this section 11338  
does not affect the legal rights of municipalities or taxpayers as 11339  
otherwise permitted by law. This state shall not be a party to the 11340  
administration of municipal income taxes or to an appeal of a 11341  
municipal income tax matter, except as otherwise specifically 11342  
provided by law. 11343

(H)(1) The tax commissioner shall adopt rules establishing: 11344

(a) The format of documents to be used by taxpayers to file 11345  
returns and make payments through the Ohio business gateway; and 11346

(b) The information taxpayers must submit when filing 11347  
municipal income tax returns through the Ohio business gateway. 11348

(2) The commissioner shall consult with the Ohio business 11349  
gateway steering committee before adopting the rules described in 11350  
division (H)(1) of this section. 11351

(I) Nothing in this section shall be construed as limiting or 11352  
removing the ability of any municipal corporation to administer, 11353  
audit, and enforce the provisions of its municipal income tax. 11354

**Sec. 718.13. (A)** Any information gained as a result of 11355  
returns, investigations, hearings, or verifications required or 11356  
authorized by this chapter or by a charter or ordinance of a 11357  
municipal corporation levying an income tax pursuant to this 11358  
chapter is confidential, and no person shall disclose such 11359  
information except in accordance with a proper judicial order or 11360  
in connection with the performance of that person's official 11361  
duties or the official business of the municipal corporation as 11362  
authorized by this chapter or the charter or ordinance authorizing 11363  
the levy. The tax administrator of the municipal corporation may 11364  
furnish copies of returns filed under this chapter to the internal 11365  
revenue service and to the tax commissioner. 11366

(B) This section does not prohibit the legislative authority 11367

of a municipal corporation, by ordinance or resolution, from 11368  
authorizing the tax administrator to publish statistics in a form 11369  
that does not disclose information with respect to particular 11370  
taxpayers. 11371

**Sec. 901.171.** The department of agriculture may promote the 11372  
use of Ohio-produced agricultural goods, including natural spring 11373  
water, through the issuance of logotypes to qualified producers 11374  
and processors under a promotional certification program to be 11375  
developed and administered by the division of markets. 11376

Pursuant to rules adopted under Chapter 119. of the Revised 11377  
Code, the department may establish reasonable fees and criteria 11378  
for participation in the program. All such fees shall be credited 11379  
to the general revenue fund and used to finance the program. 11380

**Sec. 901.261.** The director of agriculture, in conducting 11381  
investigations, inquiries, or hearings, may assess the party to an 11382  
action that is brought before the department of agriculture 11383  
pursuant to Chapter 119. of the Revised Code the actual costs 11384  
incurred by the department for depositions, investigations, 11385  
issuance and service of subpoenas, witness fees, employment of a 11386  
stenographer and hearing officer, and the production of books, 11387  
accounts, papers, records, documents, and testimony if the 11388  
applicable hearing officer determines that the party to the action 11389  
has failed to comply with any chapter of the Revised Code or any 11390  
rule adopted under any of those chapters that is administered by 11391  
the director or if the hearing officer determines that the action 11392  
was frivolous conduct by the party. Assessment of costs under this 11393  
section may be appealed to a court of competent jurisdiction. 11394

Nothing in this section shall be construed to apply to 11395  
investigations, inquiries, or hearings conducted under Chapter 11396  
4741. of the Revised Code. 11397

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised Code, each state agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:

(a) The method of posting or displaying records;

(b) The manner of sending, communicating, or transmitting records;

(c) The manner of formatting records.

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:

(a) The requirement relates to a matter over which the state agency has jurisdiction;

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the ~~department of administrative services~~ office of information technology pursuant to division (A) of section 1306.21 of the Revised Code.

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to

electronic records shall be consistent with rules adopted by the 11428  
~~department of administrative services~~ office of information 11429  
technology pursuant to division (A) of section 1306.21 of the 11430  
Revised Code. 11431

(2) Each state agency shall create, use, receive, and retain 11432  
electronic records in accordance with section 149.40 of the 11433  
Revised Code. 11434

(D) If a state agency creates, uses, or receives electronic 11435  
signatures, the state agency shall create, use, or receive the 11436  
signatures in accordance with rules adopted by the ~~department of~~ 11437  
~~administrative services~~ office of information technology pursuant 11438  
to division (A) of section 1306.21 of the Revised Code. 11439

(E)(1) To the extent a state agency retains an electronic 11440  
record, the state agency may retain a record in a format that is 11441  
different from the format in which the record was originally 11442  
created, used, sent, or received only if it can be demonstrated 11443  
that the alternative format used accurately and completely 11444  
reflects the record as it was originally created, used, sent, or 11445  
received. 11446

(2) If a state agency in retaining any set of electronic 11447  
records pursuant to division (E)(1) of this section alters the 11448  
format of the records, the state agency shall create a certificate 11449  
of authenticity for each set of records that is altered. 11450

(3) The ~~department of administrative services~~ office of 11451  
information technology, in consultation with the state archivist, 11452  
shall adopt rules in accordance with section 111.15 of the Revised 11453  
Code that establish the methods for creating certificates of 11454  
authenticity pursuant to division (E)(2) of this section. 11455

(F) Whenever any rule of law requires or authorizes the 11456  
filing of any information, notice, lien, or other document or 11457  
record with any state agency, a filing made by an electronic 11458

record shall have the same force and effect as a filing made on 11459  
paper in all cases where the state agency has authorized or agreed 11460  
to such electronic filing and the filing is made in accordance 11461  
with applicable rules or agreement. 11462

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 11463  
Code shall be construed to require any state agency to use or 11464  
permit the use of electronic records and electronic signatures. 11465

(H)(1) Notwithstanding division (C)(1) or (D) of this 11466  
section, any state agency that, prior to ~~the effective date of~~ 11467  
~~this section~~ September 14, 2000, used or permitted the use of 11468  
electronic records or electronic signatures pursuant to laws 11469  
enacted, rules adopted, or agency policies adopted before ~~the~~ 11470  
~~effective date of this section~~ September 14, 2000, may use or 11471  
permit the use of electronic records or electronic signatures 11472  
pursuant to those previously enacted laws, adopted rules, or 11473  
adopted policies for a period of two years after ~~the effective~~ 11474  
~~date of this section~~ September 14, 2000. 11475

(2) Subject to division (H)(3) of this section, after the 11476  
two-year period described in division (H)(1) of this section has 11477  
concluded, all state agencies that use or permit the use of 11478  
electronic records or electronic signatures before ~~the effective~~ 11479  
~~date of this section~~ September 14, 2000, shall only use or permit 11480  
the use of electronic records or electronic signatures consistent 11481  
with rules adopted by the ~~department of administrative services~~ 11482  
office of information technology pursuant to division (A) of 11483  
section 1306.21 of the Revised Code. 11484

(3) After the two-year period described in division (H)(1) of 11485  
this section has concluded, the ~~department of administrative~~ 11486  
~~services~~ office of information technology may permit a state 11487  
agency to use electronic records or electronic signatures that do 11488  
not comply with division (H)(2) of this section, if the state 11489  
agency files a written request with the ~~department~~ office of 11490



information technology. 11491

(I) For the purposes of this section, "state agency" means 11492  
every organized body, office, or agency established by the laws of 11493  
the state for the exercise of any function of state government, 11494  
but does not include the general assembly, any legislative agency, 11495  
the supreme court, the other courts of record in this state, or 11496  
any judicial agency. 11497

**Sec. 1306.21.** (A) With regard to state agency use of 11498  
electronic records or electronic signatures, the ~~department of~~ 11499  
~~administrative services~~ office of information technology, in 11500  
consultation with the state archivist, shall adopt rules in 11501  
accordance with section 111.15 of the Revised Code setting forth 11502  
all of the following: 11503

(1) The minimum requirements for the method of creation, 11504  
maintenance, and security of electronic records and electronic 11505  
signatures; 11506

(2) If electronic records must be signed by electronic means, 11507  
all of the following: 11508

(a) The type of electronic signature required; 11509

(b) The manner and format in which the electronic signature 11510  
must be affixed to the electronic record; 11511

(c) The identity of, or criteria that must be met by, any 11512  
third party used by the person filing a document to facilitate the 11513  
process. 11514

(3) Control processes and procedures as appropriate to ensure 11515  
adequate preservation, disposition, integrity, security, 11516  
confidentiality, and auditability of electronic records; 11517

(4) Any other required attributes for electronic records that 11518  
are specified for corresponding nonelectronic records or are 11519  
reasonably necessary under the circumstances. 11520

(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.

(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.

(C) With regard to electronic transactions, electronic signatures, and security procedures, the ~~department of administrative services~~ office of information technology may publish recommendations for governmental agencies and nongovernmental persons to promote consistency and interoperability among nongovernmental persons, agencies of this state and other states, and the federal government.

(D) For purposes of this section, "state agency" has the same meaning as in section 1306.20 of the Revised Code.

**Sec. 1347.06.** The ~~director of administrative services~~ office of information technology shall adopt, amend, and rescind rules pursuant to Chapter 119. of the Revised Code for the purposes of administering and enforcing the provisions of this chapter that pertain to state agencies.

A state or local agency that, or an officer or employee of a state or local agency who, complies in good faith with a rule applicable to the agency is not subject to criminal prosecution or civil liability under this chapter.

Sec. 1503.05. (A) The chief of the division of forestry may 11551  
sell timber and other forest products from the state forest and 11552  
state forest nurseries whenever the chief considers such a sale 11553  
desirable and, with the approval of the attorney general and the 11554  
director of natural resources, may sell portions of the state 11555  
forest lands when such a sale is advantageous to the state. 11556

(B) Except as otherwise provided in this section, a timber 11557  
sale agreement shall not be executed unless the person or 11558  
governmental entity bidding on the sale executes and files a 11559  
surety bond conditioned on completion of the timber sale in 11560  
accordance with the terms of the agreement in an amount equal to 11561  
twenty-five per cent of the highest value cutting section. All 11562  
bonds shall be given in a form prescribed by the chief and shall 11563  
run to the state as obligee. 11564

The chief shall not approve any bond until it is personally 11565  
signed and acknowledged by both principal and surety, or as to 11566  
either by the attorney in fact thereof, with a certified copy of 11567  
the power of attorney attached. The chief shall not approve the 11568  
bond unless there is attached a certificate of the superintendent 11569  
of insurance that the company is authorized to transact a fidelity 11570  
and surety business in this state. 11571

In lieu of a bond, the bidder may deposit any of the 11572  
following: 11573

(1) Cash in an amount equal to the amount of the bond; 11574

(2) United States government securities having a par value 11575  
equal to or greater than the amount of the bond; 11576

(3) Negotiable certificates of deposit or irrevocable letters 11577  
of credit issued by any bank organized or transacting business in 11578  
this state having a par value equal to or greater than the amount 11579  
of the bond. 11580

The cash or securities shall be deposited on the same terms 11581  
as bonds. If one or more certificates of deposit are deposited in 11582  
lieu of a bond, the chief shall require the bank that issued any 11583  
of the certificates to pledge securities of the aggregate market 11584  
value equal to the amount of the certificate or certificates that 11585  
is in excess of the amount insured by the federal deposit 11586  
insurance corporation. The securities to be pledged shall be those 11587  
designated as eligible under section 135.18 of the Revised Code. 11588  
The securities shall be security for the repayment of the 11589  
certificate or certificates of deposit. 11590

Immediately upon a deposit of cash, securities, certificates 11591  
of deposit, or letters of credit, the chief shall deliver them to 11592  
the treasurer of state, who shall hold them in trust for the 11593  
purposes for which they have been deposited. The treasurer of 11594  
state is responsible for the safekeeping of the deposits. A bidder 11595  
making a deposit of cash, securities, certificates of deposit, or 11596  
letters of credit may withdraw and receive from the treasurer of 11597  
state, on the written order of the chief, all or any portion of 11598  
the cash, securities, certificates of deposit, or letters of 11599  
credit upon depositing with the treasurer of state cash, other 11600  
United States government securities, or other negotiable 11601  
certificates of deposit or irrevocable letters of credit issued by 11602  
any bank organized or transacting business in this state, equal in 11603  
par value to the par value of the cash, securities, certificates 11604  
of deposit, or letters of credit withdrawn. 11605

A bidder may demand and receive from the treasurer of state 11606  
all interest or other income from any such securities or 11607  
certificates as it becomes due. If securities so deposited with 11608  
and in the possession of the treasurer of state mature or are 11609  
called for payment by their issuer, the treasurer of state, at the 11610  
request of the bidder who deposited them, shall convert the 11611  
proceeds of the redemption or payment of the securities into other 11612

United States government securities, negotiable certificates of 11613  
deposit, or cash as the bidder designates. 11614

When the chief finds that a person or governmental agency has 11615  
failed to comply with the conditions of the person's or 11616  
governmental agency's bond, the chief shall make a finding of that 11617  
fact and declare the bond, cash, securities, certificates, or 11618  
letters of credit forfeited. The chief thereupon shall certify the 11619  
total forfeiture to the attorney general, who shall proceed to 11620  
collect the amount of the bond, cash, securities, certificates, or 11621  
letters of credit. 11622

In lieu of total forfeiture, the surety, at its option, may 11623  
cause the timber sale to be completed or pay to the treasurer of 11624  
state the cost thereof. 11625

All moneys collected as a result of forfeitures of bonds, 11626  
cash, securities, certificates, and letters of credit under this 11627  
section shall be credited to the state forest fund created in this 11628  
section. 11629

(C) The chief may grant easements and leases on portions of 11630  
the state forest lands and state forest nurseries under terms that 11631  
are advantageous to the state, and the chief may grant mineral 11632  
rights on a royalty basis on those lands and nurseries, with the 11633  
approval of the attorney general and the director. 11634

(D) All moneys received from the sale of state forest lands, 11635  
or in payment for easements or leases on or as rents from those 11636  
lands or from state forest nurseries, shall be paid into the state 11637  
treasury to the credit of the state forest fund, which is hereby 11638  
created. In addition, all moneys received from federal grants, 11639  
payments, and reimbursements, from the sale of reforestation tree 11640  
stock, from the sale of forest products, other than standing 11641  
timber, and from the sale of minerals taken from the state forest 11642  
lands and state forest nurseries, together with royalties from 11643

mineral rights, shall be paid into the state treasury to the 11644  
credit of the state forest fund. Any other revenues derived from 11645  
the operation of the state forests and related facilities or 11646  
equipment also shall be paid into the state treasury to the credit 11647  
of the state forest fund, as shall contributions received for the 11648  
issuance of Smokey Bear license plates under section 4503.574 of 11649  
the Revised Code and any other moneys required by law to be 11650  
deposited in the fund. 11651

The state forest fund shall not be expended for any purpose 11652  
other than the administration, operation, maintenance, 11653  
development, or utilization of the state forests, forest 11654  
nurseries, and forest programs, for facilities or equipment 11655  
incident to them, or for the further purchase of lands for state 11656  
forest or forest nursery purposes and, in the case of 11657  
contributions received pursuant to section 4503.574 of the Revised 11658  
Code, for fire prevention purposes. 11659

All moneys received from the sale of standing timber taken 11660  
from state forest lands and state forest nurseries shall be 11661  
deposited into the state treasury to the credit of the forestry 11662  
holding account redistribution fund, which is hereby created. The 11663  
moneys shall remain in the fund until they are redistributed in 11664  
accordance with this division. 11665

The redistribution shall occur at least once each year. To 11666  
begin the redistribution, the chief first shall determine the 11667  
amount of all standing timber sold from state forest lands and 11668  
state forest nurseries, together with the amount of the total sale 11669  
proceeds, in each county, in each township within the county, and 11670  
in each school district within the county. The chief next shall 11671  
determine the amount of the direct costs that the division of 11672  
forestry incurred in association with the sale of that standing 11673  
timber. The amount of the direct costs shall be subtracted from 11674  
the amount of the total sale proceeds and shall be transferred 11675

from the forestry holding account redistribution fund to the state forest fund. 11676  
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The remaining amount of the total sale proceeds equals the net value of the standing timber that was sold. The chief shall determine the net value of standing timber sold from state forest lands and state forest nurseries in each county, in each township within the county, and in each school district within the county and shall send to each county treasurer a copy of the determination at the time that moneys are paid to the county treasurer under this division. 11678  
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Twenty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account redistribution fund to the state forest fund. Ten per cent of that net value shall be transferred from the forestry holding account redistribution fund to the general revenue fund. The remaining sixty-five per cent of the net value shall be transferred from the forestry holding account redistribution fund and paid to the county treasurer for the use of the general fund of that county. 11686  
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The county auditor shall do all of the following: 11695

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county under division (D) of this section; 11696  
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(2) Pay into the general fund of any township located within the county and containing such lands and nurseries one-fourth of the amount received by the county from standing timber sold from lands and nurseries located in the township; 11699  
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(3) Request the board of education of any school district located within the county and containing such lands and nurseries to identify which fund or funds of the district should receive the moneys available to the school district under division (D)(3) of 11703  
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this section. After receiving notice from the board, the county auditor shall pay into the fund or funds so identified one-half of the amount received by the county from standing timber sold from lands and nurseries located in the school district, distributed proportionately as identified by the board.

The division of forestry shall not supply logs, lumber, or other forest products or minerals, taken from the state forest lands or state forest nurseries, to any other agency or subdivision of the state unless payment is made therefor in the amount of the actual prevailing value thereof. This section is applicable to the moneys so received.

**Sec. 1504.02.** (A) The division of real estate and land management shall do all of the following:

(1) Except as otherwise provided in the Revised Code, coordinate and conduct all real estate functions for the department of natural resources, including at least acquisitions by purchase, lease, gift, devise, bequest, appropriation, or otherwise; grants through sales, leases, exchanges, easements, and licenses; inventories of land; and other related general management duties;

(2) Assist the department and its divisions by providing department-wide planning, including at least master planning, comprehensive planning, capital improvements planning, and special purpose planning such as trails coordination and planning under section 1519.03 of the Revised Code;

~~(3) On behalf of the director of natural resources, administer the coastal management program established under sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised Code and consult with and provide coordination among state agencies, political subdivisions, the United States and agencies of it, and interstate, regional, and areawide agencies to assist~~



~~the director in executing the director's duties and 11738  
responsibilities under that program and to assist the department 11739  
as the lead agency for the development and implementation of the 11740  
program; 11741~~

~~(4) On behalf of the director, administer sections 1506.10 11742  
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 11743~~

~~(5) Cooperate with the United States and agencies of it and 11744  
with political subdivisions in administering federal recreation 11745  
moneys under the "Land and Water Conservation Fund Act of 1965," 11746  
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 11747  
distribute the statewide comprehensive outdoor recreation plan; 11748  
and administer the state recreational vehicle fund created in 11749  
section 4519.11 of the Revised Code; 11750~~

~~(6)(4)(a) Support the geographic information system needs for 11751  
the department as requested by the director, which shall include, 11752  
but not be limited to, all of the following: 11753~~

~~(i) Assisting in the training and education of department 11754  
resource managers, administrators, and other staff in the 11755  
application and use of geographic information system technology; 11756~~

~~(ii) Providing technical support to the department in the 11757  
design, preparation of data, and use of appropriate geographic 11758  
information system applications in order to help solve resource 11759  
related problems and to improve the effectiveness and efficiency 11760  
of department delivered services; 11761~~

~~(iii) Creating, maintaining, and documenting spatial digital 11762  
data bases for the division and for other divisions as assigned by 11763  
the director. 11764~~

~~(b) Provide information to and otherwise assist government 11765  
officials, planners, and resource managers in understanding land 11766  
use planning and resource management; 11767~~

(c) Provide continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	11768 11769 11770 11771 11772 11773
(d) Coordinate and administer the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	11774 11775 11776 11777
(e) Prepare and publish maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	11778 11779 11780
(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public.	11781 11782 11783
<del>(7)</del> (5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.	11784 11785
(B) The division may do any of the following:	11786
(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;	11787 11788 11789 11790 11791 11792 11793
(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	11794 11795 11796 11797 11798

U.S.C.A. 1251, as amended, by the environmental protection agency 11799  
and the United States army corps of engineers; 11800

(3) Administer any state or federally funded grant program 11801  
that is related to natural resources and recreation as considered 11802  
necessary by the director. 11803

**Sec. 1506.01.** As used in this chapter: 11804

(A) "Coastal area" means the waters of Lake Erie, the islands 11805  
in the lake, and the lands under and adjacent to the lake, 11806  
including transitional areas, wetlands, and beaches. The coastal 11807  
area extends in Lake Erie to the international boundary line 11808  
between the United States and Canada and landward only to the 11809  
extent necessary to include shorelands, the uses of which have a 11810  
direct and significant impact on coastal waters as determined by 11811  
the director of natural resources. 11812

(B) "Coastal management program" means the comprehensive 11813  
action of the state and its political subdivisions cooperatively 11814  
to preserve, protect, develop, restore, or enhance the resources 11815  
of the coastal area and to ensure wise use of the land and water 11816  
resources of the coastal area, giving attention to natural, 11817  
cultural, historic, and aesthetic values; agricultural, 11818  
recreational, energy, and economic needs; and the national 11819  
interest. "Coastal management program" includes the establishment 11820  
of objectives, policies, standards, and criteria concerning, 11821  
without limitation, protection of air, water, wildlife, rare and 11822  
endangered species, wetlands and natural areas, and other natural 11823  
resources in the coastal area; management of coastal development 11824  
and redevelopment; preservation and restoration of historic, 11825  
cultural, and aesthetic coastal features; and public access to the 11826  
coastal area for recreation purposes. 11827

(C) "Coastal management program document" means a 11828  
comprehensive statement consisting of, without limitation, text, 11829

maps, and illustrations that is adopted by the director in 11830  
accordance with this chapter, describes the objectives, policies, 11831  
standards, and criteria of the coastal management program for 11832  
guiding public and private uses of lands and waters in the coastal 11833  
area, lists the governmental agencies, including, without 11834  
limitation, state agencies, involved in implementing the coastal 11835  
management program, describes their applicable policies and 11836  
programs, and cites the statutes and rules under which they may 11837  
adopt and implement those policies and programs. 11838

(D) "Person" means any agency of this state, any political 11839  
subdivision of this state or of the United States, and any legal 11840  
entity defined as a person under section 1.59 of the Revised Code. 11841

(E) "Director" means the director of natural resources or the 11842  
director's designee. 11843

(F) "Permanent structure" means any residential, commercial, 11844  
industrial, institutional, or agricultural building, any mobile 11845  
home as defined in division (O) of section 4501.01 of the Revised 11846  
Code, any manufactured home as defined in division (C)(4) of 11847  
section 3781.06 of the Revised Code, and any septic system that 11848  
receives sewage from a single-family, two-family, or three-family 11849  
dwelling, but does not include any recreational vehicle as defined 11850  
in section 4501.01 of the Revised Code. 11851

(G) "State agency" or "agency of the state" has the same 11852  
meaning as "agency" as defined in section 111.15 of the Revised 11853  
Code. 11854

(H) "Coastal flood hazard area" means any territory within 11855  
the coastal area that has been identified as a flood hazard area 11856  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11857  
42 U.S.C.A. 4002, as amended. 11858

(I) "Coastal erosion area" means any territory included in 11859  
Lake Erie coastal erosion areas identified by the director under 11860

section 1506.06 of the Revised Code. 11861

(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code. 11862  
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(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code. 11864  
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(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. 11867  
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(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 associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes. 11872  
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**Sec. ~~1521.20~~ 1506.38.** The ~~chief director~~ of the ~~division of water~~ natural resources shall act as the erosion agent of the state for the purpose of cooperating with the secretary of the army, acting through the chief of engineers of the United States army corps of engineers in the department of defense. The ~~chief director~~ shall cooperate with the secretary in carrying out, and may conduct, investigations and studies of conditions along the shorelines of Lake Erie and of the bays and projections therefrom, and of the islands therein, within the territorial waters of the state, with a view to devising and perfecting economical and effective methods and works for preventing, correcting, and 11881  
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controlling shore erosion and damage therefrom and controlling the 11892  
inundation of improved property by the waters of Lake Erie, its 11893  
bays, and associated inlets. 11894

**Sec. ~~1521.21~~ 1506.39.** The ~~chief director~~ of the ~~division of~~ 11895  
~~water natural resources~~, in the discharge of the ~~chief's~~ 11896  
~~director's~~ duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11897  
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11898  
assistance, temporarily, any engineers or other employees in any 11899  
state department, or in the Ohio state university or other 11900  
educational institutions financed wholly or in part by the state, 11901  
for the purpose of devising the most effective and economical 11902  
methods of controlling shore erosion and damage from it and 11903  
controlling the inundation of improved property by the waters of 11904  
Lake Erie and its bays and associated inlets. 11905

Such engineers and employees shall not receive any additional 11906  
compensation over that which they receive from the departments or 11907  
institutions by which they are employed, but they shall be 11908  
reimbursed for their actual necessary expenses incurred while 11909  
working under the direction of the ~~chief~~ director on erosion and 11910  
inundation projects. 11911

**Sec. ~~1521.22~~ 1506.40.** No person shall construct a beach, 11912  
groin, or other structure to control erosion, wave action, or 11913  
inundation along or near the Ohio shoreline of Lake Erie, 11914  
including related islands, bays, and inlets, without first 11915  
obtaining a shore structure permit from the ~~chief of the division~~ 11916  
director of ~~water. The natural resources.~~ 11917

The application for a ~~shore structure~~ permit shall include 11918  
detailed plans and specifications prepared by a professional 11919  
engineer registered under Chapter 4733. of the Revised Code. An 11920  
applicant shall provide appropriate evidence of compliance with 11921

any applicable provisions of this chapter and Chapters 1505. and 11922  
~~1506- 1521.~~ of the Revised Code, as determined by the ~~chief~~ 11923  
director. A temporary shore structure permit may be issued by the 11924  
~~chief or an authorized representative of the chief~~ director if it 11925  
is determined necessary to safeguard life, health, or property. 11926

Each application or reapplication for a permit under this 11927  
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11928  
director shall prescribe by rule. 11929

If the application is approved, the ~~chief~~ director shall 11930  
issue a permit to the applicant authorizing construction of the 11931  
project. If requested in writing by the applicant within thirty 11932  
days of issuance of a notice of disapproval of the application, 11933  
the ~~chief~~ director shall conduct an adjudication hearing under 11934  
Chapter 119. of the Revised Code, except sections 119.12 and 11935  
119.121 of the Revised Code. After reviewing the record of the 11936  
hearing, the ~~chief~~ director shall issue a final order approving 11937  
the application, disapproving it, or approving it conditioned on 11938  
the making of specified revisions in the plans and specifications. 11939

The ~~chief~~ director, by rule, shall limit the period during 11940  
which a construction permit issued under this section is valid and 11941  
shall establish reapplication requirements governing a 11942  
construction permit that expires before construction is completed. 11943

In accordance with Chapter 119. of the Revised Code, the 11944  
~~chief~~ director shall adopt, and may amend or rescind, such rules 11945  
as are necessary for the administration, implementation, and 11946  
enforcement of this section. 11947

**Sec. ~~1521-23~~ 1506.41.** All moneys derived from the granting of 11948  
permits and leases under section 1505.07 of the Revised Code for 11949  
the removal of sand, gravel, stone, gas, oil, and other minerals 11950  
and substances from and under the bed of Lake Erie and from 11951  
applications for shore structure permits submitted under section 11952

~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state treasury to the credit of the permit and lease fund, which is hereby created. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under division (A) of section 1505.99 of the Revised Code and under division (C) of section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into that fund. The fund shall be administered by the department of natural resources for the protection of Lake Erie shores and waters; investigation and control of erosion; the planning, development, and construction of facilities for recreational use of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the Revised Code; preparation of the state shore erosion plan under section ~~1521.29~~ 1506.47 of the Revised Code; and state administration of Lake Erie coastal erosion areas under sections 1506.06 and 1506.07 of the Revised Code.

**Sec. ~~1521.24~~ 1506.42.** The state, acting through the ~~chief director~~ of ~~the division of water~~ natural resources, subject to section ~~1521.28~~ 1506.46 of the Revised Code, may enter into agreements with counties, townships, municipal corporations, park boards, and conservancy districts, other political subdivisions, or any state departments or divisions for the purpose of constructing and maintaining projects to control erosion along the Ohio shoreline of Lake Erie and in any rivers and bays that are connected with Lake Erie and any other watercourses that flow into Lake Erie. Such projects also may be constructed on any Lake Erie island that is situated within the boundaries of the state.

The cost of such shore erosion projects that are for the benefit of public littoral property shall be prorated on the basis of two-thirds of the total cost to the state through appropriations made to the ~~division~~ department of ~~water~~ natural resources and one-third of the cost to the counties, townships,



municipal corporations, park boards, conservancy districts, or 11985  
other political subdivisions. 11986

If a shore erosion emergency is declared by the governor, the 11987  
state, acting through the chief director, may spend whatever state 11988  
funds are available to alleviate shore erosion, without 11989  
participation by any political subdivision, regardless of whether 11990  
the project will benefit public or private littoral property. 11991

A board of county commissioners, acting for the county over 11992  
which it has jurisdiction, may enter into and carry out agreements 11993  
with the chief director for the construction and maintenance of 11994  
projects to control shore erosion. In providing the funds for the 11995  
county's proportionate share of the cost of constructing and 11996  
maintaining the projects referred to in this section, the board 11997  
shall be governed by and may issue and refund bonds in accordance 11998  
with Chapter 133. of the Revised Code. 11999

A municipal corporation or a township, acting through the 12000  
legislative authority or the board of township trustees, may enter 12001  
into and carry out agreements with the chief director for the 12002  
purpose of constructing and maintaining projects to control shore 12003  
erosion. In providing the funds for the municipal corporation's or 12004  
township's proportionate share of the cost of constructing and 12005  
maintaining the projects referred to in this section, a municipal 12006  
corporation or township may issue and refund bonds in accordance 12007  
with Chapter 133. of the Revised Code. The contract shall be 12008  
executed on behalf of the municipal corporation or township by the 12009  
mayor, city manager, or other chief executive officer who has the 12010  
authority to act for the municipal corporation or township. 12011

Conservancy districts may enter into and carry out agreements 12012  
with the chief director, in accordance with the intent of this 12013  
section, under the powers conferred upon conservancy districts 12014  
under Chapter 6101. of the Revised Code. 12015

Park boards may enter into and carry out agreements with the chief director, in accordance with the intent of this section, and issue bonds for that purpose under the powers conferred upon park districts under Chapter 1545. of the Revised Code.

The chief director shall approve and supervise all projects that are to be constructed in accordance with this section. The chief director shall not proceed with the construction of any project until all funds that are to be paid by the county, township, municipal corporation, park board, or conservancy district, in accordance with the terms of the agreement entered into between the chief director and the county, township, municipal corporation, park board, or conservancy district, are in the ~~chief's~~ director's possession and deposited in the shore erosion fund, which is hereby created in the state treasury. If the chief director finds it to be in the best interests of the state to construct projects as set forth in this section by the state itself, without the financial contribution of counties, townships, municipal corporations, park boards, or conservancy districts, the chief director may construct the projects.

In deciding whether to assist a county or municipal corporation in constructing and maintaining a project under this section, the state, acting through the chief director, shall consider, among other factors, whether the county or municipal corporation has adopted or is in the process of adopting a Lake Erie coastal erosion area resolution or ordinance under division (D) of section 1506.07 of the Revised Code.

All projects constructed by the state in conformity with sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code shall be constructed subject to sections 153.01 to 153.20 of the Revised Code, except that the state architect and engineer is not required to prepare the plans and specifications for those projects.

**Sec. ~~1521.25~~ 1506.43.** The chief director of the ~~division of~~ 12048  
~~water~~ natural resources may enter into a contract with any county, 12049  
township, municipal corporation, conservancy district, or park 12050  
board that has an agreement with the state in accordance with 12051  
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 12052  
of a shore erosion project. No contract shall be let until all 12053  
money that is to be paid by the political subdivision entering 12054  
into the agreement has been deposited in the shore erosion fund 12055  
created in that section ~~1521.24~~ of the Revised Code, and no 12056  
~~contract shall be valid until approved by the director of natural~~ 12057  
~~resources.~~ 12058

**Sec. ~~1521.26~~ 1506.44.** (A) A board of county commissioners may 12059  
use a loan obtained under division (C) of this section to provide 12060  
financial assistance to any person who owns real property in a 12061  
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 12062  
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 12063  
of the Revised Code to construct an erosion control structure in 12064  
that coastal erosion area. The board shall enter into an agreement 12065  
with the person that complies with all of the following 12066  
requirements: 12067

(1) The agreement shall identify the person's real property 12068  
for which the erosion control structure is being constructed and 12069  
shall include a legal description of that property and a reference 12070  
to the volume and page of the deed record in which the title of 12071  
that person to that property is recorded. 12072

(2) In accordance with rules adopted by the Ohio water 12073  
development authority under division (V) of section 6121.04 of the 12074  
Revised Code for the purposes of division (C) of this section and 12075  
pursuant to an agreement between the board and the authority under 12076  
that division, the board shall agree to cause payments to be made 12077  
by the authority to the contractor hired by the person to 12078

construct an erosion control structure in amounts not to exceed 12079  
the total amount specified in the agreement between the board and 12080  
the person. 12081

(3) The person shall agree to pay to the board, or to the 12082  
authority as the assignee pursuant to division (C) of this 12083  
section, the total amount of the payments plus administrative or 12084  
other costs of the board or the authority at times, in 12085  
installments, and bearing interest as specified in the agreement. 12086

The agreement may contain additional provisions that the 12087  
board determines necessary to safeguard the interests of the 12088  
county or to comply with an agreement entered into under division 12089  
(C) of this section. 12090

(B) Upon entering into an agreement under division (A) of 12091  
this section, the board shall do all of the following: 12092

(1) Cause the agreement to be recorded in the county deed 12093  
records in the office of the county recorder of the county in 12094  
which the real property is situated. Failure to record the 12095  
agreement does not affect the validity of the agreement or the 12096  
collection of any amounts due under the agreement. 12097

(2) Establish by resolution an erosion control repayment fund 12098  
into which shall be deposited all amounts collected under division 12099  
(B)(3) of this section. Moneys in that fund shall be used by the 12100  
board for the repayment of the loan and for administrative or 12101  
other costs of the board or the authority as specified in an 12102  
agreement entered into under division (C) of this section. If the 12103  
amount of money in the fund is inadequate to repay the loan when 12104  
due, the board of county commissioners, by resolution, may advance 12105  
money from any other fund in order to repay the loan if that use 12106  
of the money from the other fund is not in conflict with law. If 12107  
the board so advances money in order to repay the loan, the board 12108  
subsequently shall reimburse each fund from which the board 12109

advances money with moneys from the erosion control repayment 12110  
fund. 12111

(3) Bill and collect all amounts when due under the agreement 12112  
entered into under division (A) of this section. The board shall 12113  
certify amounts not paid when due to the county auditor, who shall 12114  
enter the amounts on the real property tax list and duplicate 12115  
against the property identified under division (A)(1) of this 12116  
section. The amounts not paid when due shall be a lien on that 12117  
property from the date on which the amounts are placed on the tax 12118  
list and duplicate and shall be collected in the same manner as 12119  
other taxes. 12120

(C) A board may apply to the authority for a loan for the 12121  
purpose of entering into agreements under division (A) of this 12122  
section. The loan shall be for an amount and on the terms 12123  
established in an agreement between the board and the authority. 12124  
The board may assign any agreements entered into under division 12125  
(A) of this section to the authority in order to provide for the 12126  
repayment of the loan and may pledge any lawfully available 12127  
revenues to the repayment of the loan, provided that no moneys 12128  
raised by taxation shall be obligated or pledged by the board for 12129  
the repayment of the loan. Any agreement with the authority 12130  
pursuant to this division is not subject to Chapter 133. of the 12131  
Revised Code or any requirements or limitations established in 12132  
that chapter. 12133

(D) The authority, as assignee of any agreement pursuant to 12134  
division (C) of this section, may enforce and compel the board and 12135  
the county auditor by mandamus pursuant to Chapter 2731. of the 12136  
Revised Code to comply with division (B) of this section in a 12137  
timely manner. 12138

(E) The construction of an erosion control structure by a 12139  
contractor hired by an individual homeowner, group of individual 12140  
homeowners, or homeowners association that enters into an 12141

agreement with a board under division (A) of this section is not a 12142  
public improvement, as defined in section 4115.03 of the Revised 12143  
Code, and is not subject to competitive bidding or public bond 12144  
laws. 12145

**Sec. ~~1521.27~~ 1506.45.** The state, or any county, township, 12146  
municipal corporation, conservancy district, or park board that 12147  
has entered into a contract under section ~~1521.25~~ 1506.43 of the 12148  
Revised Code, may acquire lands by gift or devise, purchase, or 12149  
appropriation. In case of appropriation, the proceedings shall be 12150  
instituted in the name of the state or the political subdivision 12151  
and shall be conducted in the manner provided for the 12152  
appropriation of private property by the state or the political 12153  
subdivision insofar as those proceedings are applicable. Either 12154  
the fee or any lesser interest may be acquired as the state or the 12155  
political subdivision considers advisable. 12156

**Sec. ~~1521.28~~ 1506.46.** Any action taken by the ~~chief director~~ 12157  
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 12158  
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 12159  
in conflict with certain powers and duties conferred upon and 12160  
delegated to federal agencies and to municipal corporations under 12161  
Section 7 of Article XVIII, Ohio Constitution, or as provided by 12162  
sections 721.04 to 721.11 of the Revised Code. 12163

**Sec. ~~1521.29~~ 1506.47.** The ~~chief director~~ of ~~the division of~~ 12164  
~~water~~ natural resources, in cooperation with appropriate offices 12165  
and divisions, including the division of geological survey, may 12166  
prepare a plan for the management of shore erosion in the state 12167  
along Lake Erie, its bays, and associated inlets, revise the plan 12168  
whenever it can be made more effective, and make the plan 12169  
available for public inspection. In the preparation of the plan, 12170  
the ~~chief director~~ may employ such existing plans as are 12171

available. 12172

The ~~chief~~ director also may establish a program to provide 12173  
technical assistance on shore erosion control measures to 12174  
municipal corporations, counties, townships, conservancy 12175  
districts, park boards, and shoreline property owners. 12176

**Sec. ~~1521.30~~ 1506.48.** Upon application of any owner of real 12177  
property damaged or destroyed by shore erosion, the county auditor 12178  
of the county in which the real property is situated shall cause a 12179  
reappraisal to be made and shall place the property on the tax 12180  
list at its true value in money. 12181

Whenever the county auditor finds that ninety per cent or 12182  
more of the area of any littoral parcel of land appearing upon the 12183  
tax duplicate has been eroded and lies within the natural 12184  
boundaries of Lake Erie and that the remainder of the parcel, if 12185  
any, has no taxable value, the auditor may certify that finding to 12186  
the county board of revision. Upon consideration thereof, the 12187  
board may authorize removal of the parcel from the tax duplicate 12188  
and cancellation of all current and delinquent taxes, assessments, 12189  
interest, and penalties charged against the parcel. 12190

**Sec. 1506.99.** (A) Whoever violates division (A) of section 12191  
1506.09 of the Revised Code shall be fined not less than one 12192  
hundred nor more than five hundred dollars for each offense. 12193

(B) Whoever violates division (K) of section 1506.32 of the 12194  
Revised Code is guilty of a misdemeanor of the third degree. 12195

(C) Whoever violates sections 1506.38 to 1506.48 of the 12196  
Revised Code shall be fined not less than one hundred dollars nor 12197  
more than five hundred dollars for each offense. Each day of 12198  
violation constitutes a separate offense. 12199

**Sec. 1513.08.** (A) After a coal mining and reclamation permit 12200

application has been approved, ~~but before the permit is issued,~~ 12201  
the applicant shall file with the chief of the division of mineral 12202  
resources management, on a form prescribed and furnished by the 12203  
chief, the performance security required under this section. 12204

(B) Using the information contained in the permit 12205  
application; the requirements contained in the approved permit and 12206  
reclamation plan; and, after considering the topography, geology, 12207  
hydrology, and revegetation potential of the area of the approved 12208  
permit, the probable difficulty of reclamation; the chief shall 12209  
determine the estimated cost of reclamation under the initial term 12210  
of the permit if the reclamation has to be performed by the 12211  
division of mineral resources management in the event of 12212  
forfeiture of the performance security by the applicant. The chief 12213  
shall send written notice of the amount of the estimated cost of 12214  
reclamation by certified mail to the applicant. The applicant 12215  
shall send written notice to the chief indicating the method by 12216  
which the applicant will provide the performance security pursuant 12217  
to division (C) of this section. 12218

(C) The applicant shall provide the performance security in 12219  
an amount using one of the following: 12220

(1) If the applicant elects to provide performance security 12221  
without reliance on the reclamation forfeiture fund created in 12222  
section 1513.18 of the Revised Code, the amount of the estimated 12223  
cost of reclamation as determined by the chief under division (B) 12224  
of this section for the increments of land on which the operator 12225  
will conduct a coal mining and reclamation operation under the 12226  
initial term of the permit as indicated in the application; 12227

(2) If the applicant elects to provide performance security 12228  
together with reliance on the reclamation forfeiture fund through 12229  
payment of the additional tax on the severance of coal that is 12230  
levied under division (A)(8) of section 5749.02 of the Revised 12231  
Code, an amount of twenty-five hundred dollars per acre of land on 12232



which the operator will conduct coal mining and reclamation under 12233  
the initial term of the permit as indicated in the application. 12234  
However, in order for an applicant to be eligible to provide 12235  
performance security in accordance with division (C)(2) of this 12236  
section, ~~an~~ the applicant, an owner and controller of the 12237  
applicant, or an affiliate of the applicant shall have held a 12238  
permit issued under this chapter for any coal mining and 12239  
reclamation operation for a period of not less than five years. In 12240  
the event of forfeiture of performance security that was provided 12241  
in accordance with division (C)(2) of this section, the difference 12242  
between the amount of that performance security and the estimated 12243  
cost of reclamation as determined by the chief under division (B) 12244  
of this section shall be obtained from money in the reclamation 12245  
forfeiture fund as needed to complete the reclamation. 12246

The performance security provided under division (C) of this 12247  
section for the entire area to be mined under one permit issued 12248  
under this chapter shall not be less than ten thousand dollars. 12249

The performance security shall cover areas of land affected 12250  
by mining within or immediately adjacent to the permitted area, so 12251  
long as the total number of acres does not exceed the number of 12252  
acres for which the performance security is provided. However, the 12253  
authority for the performance security to cover areas of land 12254  
immediately adjacent to the permitted area does not authorize a 12255  
permittee to mine areas outside an approved permit area. As 12256  
succeeding increments of coal mining and reclamation operations 12257  
are to be initiated and conducted within the permit area, the 12258  
permittee shall file with the chief additional performance 12259  
security to cover the increments in accordance with this section. 12260  
If a permittee intends to mine areas outside the approved permit 12261  
area, the permittee shall provide additional performance security 12262  
in accordance with this section to cover the areas to be mined. 12263

An applicant shall provide performance security in accordance 12264

with division (C)(1) of this section in the full amount of the 12265  
estimated cost of reclamation as determined by the chief for a 12266  
permitted coal preparation plant or coal refuse disposal area that 12267  
is not located within a permitted area of a mine. A permittee 12268  
shall provide the performance security not later than one year 12269  
after ~~the effective date of this amendment~~ April 6, 2007, for a 12270  
permitted coal preparation plant or coal refuse disposal area that 12271  
is in existence on ~~the effective date of this amendment~~ April 6, 12272  
2007, and that is not located within a permitted area of a mine. 12273

(D) A permittee's liability under the performance security 12274  
shall be limited to the obligations established under the permit, 12275  
which include completion of the reclamation plan in order to make 12276  
the land capable of supporting the postmining land use that was 12277  
approved in the permit. The period of liability under the 12278  
performance security shall be for the duration of the coal mining 12279  
and reclamation operation and for a period coincident with the 12280  
operator's responsibility for revegetation requirements under 12281  
section 1513.16 of the Revised Code. 12282

(E) The amount of the estimated cost of reclamation 12283  
determined under division (B) of this section and the amount of a 12284  
permittee's performance security provided in accordance with 12285  
division (C)(1) of this section may be adjusted by the chief as 12286  
the land that is affected by mining increases or decreases or if 12287  
the cost of reclamation increases or decreases. If the performance 12288  
security was provided in accordance with division (C)(2) of this 12289  
section and the chief has issued a cessation order under division 12290  
(D)(2) of section 1513.02 of the Revised Code for failure to abate 12291  
a violation of the contemporaneous reclamation requirement under 12292  
division (A)(15) of section 1513.16 of the Revised Code, the chief 12293  
may require the permittee to increase the amount of performance 12294  
security from twenty-five hundred dollars per acre of land to five 12295  
thousand dollars per acre of land. 12296

The chief shall notify the permittee, each surety, and any person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(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 12329  
deposit or negotiable certificates of deposit of a bank or savings 12330  
and loan association, the bank or savings and loan association 12331  
shall be licensed and operating in this state. The cash deposit or 12332  
market value of the securities shall be equal to or greater than 12333  
the amount of the performance security required under this 12334  
section. The chief shall review any documents pertaining to the 12335  
performance security and approve or disapprove the documents. The 12336  
chief shall notify the applicant of the chief's determination. 12337

(H) If the performance security is a bond, the chief may 12338  
accept the bond of the applicant itself without separate surety 12339  
when the applicant demonstrates to the satisfaction of the chief 12340  
the existence of a suitable agent to receive service of process 12341  
and a history of financial solvency and continuous operation 12342  
sufficient for authorization to self-insure or bond the amount. 12343

(I) Performance security provided under this section may be 12344  
held in trust, provided that the state is the conditional 12345  
beneficiary of the trust and the custodian of the performance 12346  
security held in trust is a bank, trust company, or other 12347  
financial institution that is licensed and operating in this 12348  
state. The chief shall review the trust document and approve or 12349  
disapprove the document. The chief shall notify the applicant of 12350  
the chief's determination. 12351

(J) If a surety, bank, savings and loan association, trust 12352  
company, or other financial institution that holds the performance 12353  
security required under this section becomes insolvent, the 12354  
permittee shall notify the chief of the insolvency, and the chief 12355  
shall order the permittee to submit a plan for replacement 12356  
performance security within thirty days after receipt of notice 12357  
from the chief. If the permittee provided performance security in 12358  
accordance with division (C)(1) of this section, the permittee 12359  
shall provide the replacement performance security within ninety 12360

days after receipt of notice from the chief. If the permittee 12361  
provided performance security in accordance with division (C)(2) 12362  
of this section, the permittee shall provide the replacement 12363  
performance security within one year after receipt of notice from 12364  
the chief, and, for a period of one year after the permittee's 12365  
receipt of notice from the chief or until the permittee provides 12366  
the replacement performance security, whichever occurs first, 12367  
money in the reclamation forfeiture fund shall be the permittee's 12368  
replacement performance security in an amount not to exceed the 12369  
estimated cost of reclamation as determined by the chief. 12370

(K) A permittee's responsibility for repairing material 12371  
damage and replacement of water supply resulting from subsidence 12372  
may be satisfied by liability insurance required under this 12373  
chapter in lieu of the permittee's performance security if the 12374  
liability insurance policy contains terms and conditions that 12375  
specifically provide coverage for repairing material damage and 12376  
replacement of water supply resulting from subsidence. 12377

(L) If the performance security provided in accordance with 12378  
this section exceeds the estimated cost of reclamation, the chief 12379  
may authorize the amount of the performance security that exceeds 12380  
the estimated cost of reclamation together with any interest or 12381  
other earnings on the performance security to be paid to the 12382  
permittee. 12383

(M) A permittee that held a valid coal mining and reclamation 12384  
permit immediately prior to April 6, 2007, shall provide, not 12385  
later than a date established by the chief, performance security 12386  
in accordance with division (C)(1) or (2) of this section, rather 12387  
than in accordance with the law as it existed prior to that date, 12388  
by filing it with the chief on a form that the chief prescribes 12389  
and furnishes. Accordingly, for purposes of this section, 12390  
"applicant" is deemed to include such a permittee. 12391

(N) As used in this section: 12392

(1) "Affiliate of the applicant" means an entity that has a 12393  
parent entity in common with the applicant. 12394

(2) "Owner and controller of the applicant" means a person 12395  
that has any relationship with the applicant that gives the person 12396  
authority to determine directly or indirectly the manner in which 12397  
the applicant conducts coal mining operations. 12398

**Sec. 1513.18.** (A) All money that becomes the property of the 12399  
state under division (G) of section 1513.16 of the Revised Code 12400  
shall be deposited in the reclamation forfeiture fund, which is 12401  
hereby created in the state treasury. Disbursements from the fund 12402  
shall be made by the chief of the division of mineral resources 12403  
management for the purpose of reclaiming areas of land affected by 12404  
coal mining under a coal mining and reclamation permit issued on 12405  
or after September 1, 1981, on which an operator has defaulted. 12406

(B) The fund also shall consist of all money from the 12407  
collection of liens under section 1513.081 of the Revised Code, 12408  
any moneys transferred to it under section 1513.181 of the Revised 12409  
Code from the coal mining and reclamation reserve fund created in 12410  
that section, fines collected under division (E) of section 12411  
1513.02 and section 1513.99 of the Revised Code, fines collected 12412  
for a violation of section 2921.31 of the Revised Code that, prior 12413  
to July 1, 1996, would have been a violation of division (G) of 12414  
section 1513.17 of the Revised Code as it existed prior to that 12415  
date, and moneys collected and credited to it pursuant to section 12416  
5749.02 of the Revised Code. Disbursements from the fund shall be 12417  
made by the chief in accordance with division (D) of this section 12418  
for the purpose of reclaiming areas that an operator has affected 12419  
by mining and failed to reclaim under a coal mining and 12420  
reclamation permit issued under this chapter or under a surface 12421  
mining permit issued under Chapter 1514. of the Revised Code. 12422

The chief may expend moneys from the fund to pay necessary 12423

administrative costs, including engineering and design services, 12424  
incurred by the division of mineral resources management in 12425  
reclaiming these areas. The chief also may expend moneys from the 12426  
fund to pay necessary administrative costs of the reclamation 12427  
forfeiture fund advisory board created in section 1513.182 of the 12428  
Revised Code as authorized by the board under that section. 12429  
Expenditures from the fund to pay such administrative costs need 12430  
not be made under contract. 12431

(C) Except when paying necessary administrative costs 12432  
authorized by division (B) of this section, expenditures from the 12433  
fund shall be made under contracts entered into by the chief, with 12434  
the approval of the director of natural resources, in accordance 12435  
with procedures established by the chief, by rules adopted in 12436  
accordance with section 1513.02 of the Revised Code. The chief may 12437  
reclaim the land in the same manner as set forth in sections 12438  
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 12439  
the chief shall be awarded to the lowest responsive and 12440  
responsible bidder, in accordance with section 9.312 of the 12441  
Revised Code, after sealed bids are received, opened, and 12442  
published at the time and place fixed by the chief. The chief 12443  
shall publish notice of the time and place at which bids will be 12444  
received, opened, and published, at least once and at least ten 12445  
days before the date of the opening of the bids, in a newspaper of 12446  
general circulation in the county in which the area of land to be 12447  
reclaimed under the contract is located. If, after advertising, no 12448  
bids are received at the time and place fixed for receiving them, 12449  
the chief may advertise again for bids, or, if the chief considers 12450  
the public interest will best be served, the chief may enter into 12451  
a contract for the reclamation of the area of land without further 12452  
advertisement for bids. The chief may reject any or all bids 12453  
received and again publish notice of the time and place at which 12454  
bids for contracts will be received, opened, and published. The 12455  
chief, with the approval of the director, may enter into a 12456

contract with the landowner, a coal mine operator or surface mine operator mining under a current, valid permit issued under this chapter or Chapter 1514. of the Revised Code, or a contractor hired by the surety or trustee, if the performance security is held in trust, to complete reclamation to carry out reclamation on land affected by coal mining on which an operator has defaulted without advertising for bids.

(D)(1) The chief shall expend money credited to the reclamation forfeiture fund from the forfeiture of the performance security applicable to an area of land to pay for the cost of the reclamation of the land.

(2) If the performance security for the area of land was provided under division (C)(1) of section 1513.08 of the Revised Code, the chief shall use the money from the forfeited performance security to complete the reclamation that the operator failed to do under the operator's applicable coal mining and reclamation permit issued under this chapter.

(3) If the performance security for the area of land was provided under division (C)(2) of section 1513.08 of the Revised Code, the chief shall use the money from the forfeited performance security to complete the reclamation that the operator failed to do under the operator's applicable coal mining and reclamation permit issued under this chapter. If the money credited to the reclamation forfeiture fund from the forfeiture of the performance security provided under division (C)(2) of section 1513.08 of the Revised Code is not sufficient to complete the reclamation, the chief shall notify the reclamation forfeiture fund advisory board of the amount of the insufficiency. The chief may expend money credited to the reclamation forfeiture fund under section 5749.02 of the Revised Code or transferred to the fund under section 1513.181 of the Revised Code to complete the reclamation. The chief shall not expend money from the fund in an amount that



exceeds the difference between the amount of the performance 12489  
security provided under division (C)(2) of section 1513.08 of the 12490  
Revised Code and the estimated cost of reclamation as determined 12491  
by the chief under divisions (B) and (E) of that section. 12492

(4) Money from the reclamation forfeiture fund shall not be 12493  
used for reclamation of land or water resources affected by 12494  
material damage from subsidence, or mine drainage that requires 12495  
extended water treatment after reclamation is completed under the 12496  
terms of the permit, ~~or coal preparation plants or coal refuse~~ 12497  
~~disposal areas not located within a permitted area of a mine if~~ 12498  
~~performance security for the area of land was provided under~~ 12499  
~~division (C)(2) of section 1513.08 of the Revised Code. In~~ 12500  
addition, money from the reclamation forfeiture fund shall not be 12501  
used to supplement the performance security of an applicant or 12502  
permittee that has provided performance security in accordance 12503  
with division (C)(1) of section 1513.08 of the Revised Code. 12504

(E) The chief shall keep a detailed accounting of the 12505  
expenditures from the reclamation forfeiture fund to complete 12506  
reclamation of the land and, upon completion of the reclamation, 12507  
shall certify the expenditures to the attorney general. Upon the 12508  
chief's certification of the expenditures from the reclamation 12509  
forfeiture fund, the attorney general shall bring an action for 12510  
that amount of money. The operator is liable for that expense in 12511  
addition to any other liabilities imposed by law. Moneys so 12512  
recovered shall be credited to the reclamation forfeiture fund. 12513  
The chief shall not postpone the reclamation because of any action 12514  
brought by the attorney general under this division. Prior to 12515  
completing reclamation, the chief may collect through the attorney 12516  
general any additional amount that the chief believes will be 12517  
necessary for reclamation in excess of the forfeited performance 12518  
security amount applicable to the land that the operator should 12519  
have, but failed to, reclaim. 12520

(F) Except as otherwise provided in division (H) of this section, if any part of the moneys in the reclamation forfeiture fund remains in the fund after the chief has caused the area of land to be reclaimed and has paid all the reclamation costs and expenses, the chief may expend those moneys to complete other reclamation work performed under this section on forfeiture areas affected under a coal mining and reclamation permit issued on or after September 1, 1981.

(G) The chief shall require every contractor performing reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work as determined by the chief under section 1513.02 of the Revised Code.

(H) All investment earnings of the fund shall be credited to the fund and shall be used only for the reclamation of land for which performance security was provided under division (C)(2) of section 1513.08 of the Revised Code.

**Sec. 1514.081.** (A) As used in this section:

(1) "Lime mining wastes" means residual solid or semisolid materials generated from ~~lime or limestone mining and processing~~ calcining, lime processing, or lime manufacturing operations, including, without limitation, lime kiln dust, scrubber sludge from lime kiln operations, lime ~~or limestone~~ materials not meeting product specification, lime hydrating materials, and other lime ~~or limestone mining~~ manufacturing, processing, or calcining materials associated with lime ~~or limestone mining or~~ processing. "Lime mining wastes" does not include materials generated from the manufacture of cement.

(2) "Beneficial use" means the use of lime mining wastes ~~within a lime mining and reclamation area~~ for land application

when it is utilized for agronomic purposes at standard agronomic 12552  
rates as determined by standard soil testing, for land reclamation 12553  
in accordance with this chapter and rules adopted under it, 12554  
including, but not limited to, use as fill material, as defined by 12555  
rule, in quarries, and for any other purposes designated by the 12556  
chief of the division of mineral resources management, including 12557  
demonstration projects approved by the chief. 12558

(3) "Solid waste disposal facility" means a facility for the 12559  
disposal of solid wastes that is licensed under Chapter 3734. of 12560  
the Revised Code. 12561

(4) "Disposal system" has the same meaning as in section 12562  
6111.01 of the Revised Code. 12563

(B) Not later than two hundred seventy days after ~~the~~ 12564  
~~effective date of this section~~ October 8, 2001, the chief shall 12565  
adopt and may amend, suspend, or rescind rules in accordance with 12566  
Chapter 119. of the Revised Code establishing standards and 12567  
requirements for both of the following: 12568

(1) The beneficial use of lime mining wastes, including the 12569  
beneficial use of lime mining wastes at lime mining and 12570  
reclamation operations governed by this chapter; 12571

(2) The monitoring of ground water associated with the 12572  
beneficial use of lime mining wastes and the taking of corrective 12573  
action in the event of a subsurface discharge of leachate from the 12574  
beneficial use of lime mining wastes or of contamination of ground 12575  
water resulting from the beneficial use of lime mining wastes, in 12576  
order to protect human health and environment. 12577

The beneficial use of lime mining wastes is subject to any 12578  
applicable standards and requirements established under this 12579  
chapter and rules adopted under it. Until such time as the chief 12580  
adopts rules under this section, the beneficial use of lime mining 12581  
wastes shall require the prior written approval of the chief in a 12582

surface mining permit issued under this chapter. 12583

(C) The beneficial use of lime mining wastes does not 12584  
constitute establishing a solid waste disposal facility or a 12585  
disposal system. A beneficial use of lime mining wastes that is 12586  
authorized under this section is not subject to any of the 12587  
following: 12588

(1) Permit and license requirements for solid waste 12589  
facilities established under sections 3734.02 and 3734.05 of the 12590  
Revised Code; 12591

(2) The prohibition against open dumping of solid wastes 12592  
established under section 3734.03 of the Revised Code; 12593

(3) Solid waste disposal and generation fees established 12594  
under sections 3734.57 to 3734.574 of the Revised Code; 12595

(4) Permit to install and plan approval requirements and 12596  
prohibitions established under sections 6111.03, 6111.04, 6111.44, 12597  
and 6111.45 of the Revised Code. 12598

Nothing in this section shall be construed to limit any other 12599  
requirements that are applicable to the beneficial use of lime 12600  
mining wastes under Chapter 905., 3704., 3714., 3734., or 6111. of 12601  
the Revised Code or any local or federal laws, including, without 12602  
limitation, requirements governing air pollution control permits, 12603  
hazardous waste installation and operation permits, national 12604  
pollutant discharge elimination system permits, and section 401 12605  
water quality certifications. 12606

**Sec. 1514.40.** In accordance with Chapter 119. of the Revised 12607  
Code, the chief of the division of mineral resources management, 12608  
in consultation with a statewide association that represents the 12609  
surface mining industry, shall adopt rules that do all of the 12610  
following: 12611

(A) For the purpose of establishing safety standards 12612

governing surface mining operations, incorporate by reference 30 12613  
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 12614

(B) Establish criteria, standards, and procedures governing 12615  
safety performance evaluations conducted under section 1514.45 of 12616  
the Revised Code, including requirements for the notification of 12617  
operators and the identification of authorized representatives of 12618  
miners at surface mining operations for purposes of inspections 12619  
conducted under sections ~~1541.41~~ 1514.41 to ~~1541.47~~ 1514.47 of the 12620  
Revised Code; 12621

(C) Establish requirements governing the reporting and 12622  
investigation of accidents at surface mining operations. In 12623  
adopting the rules, the chief shall establish requirements that 12624  
minimize duplication with any reporting and investigations of 12625  
accidents that are conducted by the mine safety and health 12626  
administration in the United States department of labor. 12627

(D) Establish the time, place, and frequency of mine safety 12628  
training conducted under section 1514.06 of the Revised Code and a 12629  
fee, if any, for the purpose of that section. The amount of the 12630  
fee shall not exceed the costs of conducting the training that is 12631  
required under that section. 12632

(E) Establish the minimum qualifications necessary to take 12633  
the examination that is required for certification of certified 12634  
mine forepersons under division (B) of section 1514.47 of the 12635  
Revised Code and requirements, fees, and procedures governing the 12636  
taking of the examination; 12637

(F) Establish requirements and fees governing the renewal of 12638  
certificates under division (C) of that section; 12639

(G) Establish requirements and procedures for the approval of 12640  
training plans submitted under division (E) of that section for 12641  
the use of qualified persons to conduct examinations of surface 12642  
mining operations in lieu of certified mine forepersons and 12643

minimum qualifications of those persons. The rules shall include 12644  
requirements governing training frequency and curriculum that must 12645  
be provided for qualified persons under such plans and shall 12646  
establish related reporting and record keeping requirements. 12647

As used in sections 1514.41 to 1514.47 of the Revised Code, 12648  
"rule" means a rule adopted under this section unless the context 12649  
indicates otherwise. 12650

**Sec. 1521.01.** As used in sections 1521.01 to 1521.05, and 12651  
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 12652

(A) "Consumptive use," "diversion," "Lake Erie drainage 12653  
basin," "other great lakes states and provinces," "water 12654  
resources," and "waters of the state" have the same meanings as in 12655  
section 1501.30 of the Revised Code. 12656

(B) "Well" means any excavation, regardless of design or 12657  
method of construction, created for any of the following purposes: 12658

(1) Removing ground water from or recharging water into an 12659  
aquifer, excluding subsurface drainage systems installed to 12660  
enhance agricultural crop production or urban or suburban 12661  
landscape management or to control seepage in dams, dikes, and 12662  
levees; 12663

(2) Determining the quantity, quality, level, or movement of 12664  
ground water in or the stratigraphy of an aquifer, excluding 12665  
borings for instrumentation in dams, dikes, levees, or highway 12666  
embankments; 12667

(3) Removing or exchanging heat from ground water, excluding 12668  
horizontal trenches that are installed for water source heat pump 12669  
systems. 12670

(C) "Aquifer" means a consolidated or unconsolidated geologic 12671  
formation or series of formations that are hydraulically 12672  
interconnected and that have the ability to receive, store, or 12673

transmit water.	12674
(D) "Ground water" means all water occurring in an aquifer.	12675
(E) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.	12676 12677 12678 12679
(F) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.	12680 12681 12682 12683 12684
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	12685 12686
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	12687 12688 12689 12690 12691
(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	12692 12693 12694
(J) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	12695 12696 12697 12698 12699 12700
(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	12701 12702
(L) "One-hundred-year floodplain" means that portion of a	12703

floodplain inundated by a one-hundred-year flood. 12704

(M) "Structure" means a walled and roofed building, 12705  
including, without limitation, gas or liquid storage tanks, mobile 12706  
homes, and manufactured homes. 12707

(N) "Substantial improvement" means any reconstruction, 12708  
rehabilitation, addition, or other improvement of a structure, the 12709  
cost of which equals or exceeds fifty per cent of the market value 12710  
of the structure before the start of construction of the 12711  
improvement. "Substantial improvement" includes repairs to 12712  
structures that have incurred substantial damage regardless of the 12713  
actual repair work performed. "Substantial improvement" does not 12714  
include either of the following: 12715

(1) Any project for the improvement of a structure to correct 12716  
existing violations of state or local health, sanitary, or safety 12717  
code specifications that have been identified by the state or 12718  
local code enforcement official having jurisdiction and that are 12719  
the minimum necessary to ensure safe living conditions; 12720

(2) Any alteration of an historic structure designated or 12721  
listed pursuant to federal or state law, provided that the 12722  
alteration will not preclude the structure's continued listing or 12723  
designation as an historic structure. 12724

~~(O) "Shore structure" includes, but is not limited to:~~ 12725  
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 12726  
~~certain dikes designated by the chief of the division of water;~~ 12727  
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 12728  
~~associated fill or debris used as part of the construction of~~ 12729  
~~shore structures that may affect shore erosion, wave action, or~~ 12730  
~~inundation; and fill or debris placed along or near the shore,~~ 12731  
~~including bluffs, banks, or beach ridges, for the purpose of~~ 12732  
~~stabilizing slopes.~~ 12733

~~(P)~~ "Substantial damage" means damage of any origin that is 12734



sustained by a structure if the cost of restoring the structure to  
its condition prior to the damage would equal or exceed fifty per  
cent of the market value of the structure before the damage  
occurred.

~~(Q)~~(P) "National flood insurance program" means the national  
flood insurance program established in the "National Flood  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended,  
and regulations adopted under it.

~~(R)~~(O) "Conservancy district" means a conservancy district  
established under Chapter 6101. of the Revised Code.

~~(S)~~ "Park board" means the board of park commissioners of a  
park district created under Chapter 1545. of the Revised Code.

~~(T)~~ "Erosion control structure" means anything that is  
designed primarily to reduce or control erosion of the shore along  
or near lake erie, including, but not limited to, revetments,  
seawalls, bulkheads, certain breakwaters designated by the chief,  
and similar structures. "Erosion control structure" does not  
include wharves, piers, docks, marinas, boat ramps, and other  
similar structures.

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code  
is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 1521.06 or 1521.062 of the  
Revised Code shall be fined not less than one hundred dollars nor  
more than one thousand dollars for each offense. Each day of  
violation constitutes a separate offense.

~~(C)~~ Whoever violates sections 1521.20 to 1521.30 of the  
Revised Code shall be fined not less than one hundred dollars nor  
more than one thousand dollars for each offense. Each day of  
violation constitutes a separate offense.

Sec. 1531.06. (A) The chief of the division of wildlife, with 12765  
the approval of the director of natural resources, may acquire by 12766  
gift, lease, purchase, or otherwise lands or surface rights upon 12767  
lands and waters or surface rights upon waters for wild animals, 12768  
fish or game management, preservation, propagation, and 12769  
protection, outdoor and nature activities, public fishing and 12770  
hunting grounds, and flora and fauna preservation. The chief, with 12771  
the approval of the director, may receive by grant, devise, 12772  
bequest, donation, or assignment evidences of indebtedness, the 12773  
proceeds of which are to be used for the purchase of such lands or 12774  
surface rights upon lands and waters or surface rights upon 12775  
waters. 12776

(B)(1) The chief shall adopt rules for the protection of 12777  
state-owned or leased lands and waters and property under the 12778  
control of the division of wildlife against wrongful use or 12779  
occupancy that will ensure the carrying out of the intent of this 12780  
section, protect those lands, waters, and property from 12781  
depredations, and preserve them from molestation, spoilation, 12782  
destruction, or any improper use or occupancy thereof, including 12783  
rules with respect to recreational activities and for the 12784  
government and use of such lands, waters, and property. 12785

(2) The chief may adopt rules benefiting wild animals, fish 12786  
or game management, preservation, propagation, and protection, 12787  
outdoor and nature activities, public fishing and hunting grounds, 12788  
and flora and fauna preservation, and regulating the taking and 12789  
possession of wild animals on any lands or waters owned or leased 12790  
or under the division's supervision and control and, for a 12791  
specified period of years, may prohibit or recall the taking and 12792  
possession of any wild animal on any portion of such lands or 12793  
waters. The division clearly shall define and mark the boundaries 12794  
of the lands and waters owned or leased or under its supervision 12795  
and control upon which the taking of any wild animal is 12796

prohibited. 12797

(C) The chief, with the approval of the director, may acquire 12798  
by gift, lease, or purchase land for the purpose of establishing 12799  
state fish hatcheries and game farms and may erect on it buildings 12800  
or structures that are necessary. 12801

The title to or lease of such lands and waters shall be taken 12802  
by the chief in the name of the state. The lease or purchase price 12803  
of all such lands and waters may be paid from hunting and trapping 12804  
and fishing licenses and any other funds. 12805

(D) To provide more public recreation, stream and lake 12806  
agreements for public fishing only may be obtained under rules 12807  
adopted by the chief. 12808

(E) The chief, with the approval of the director, may 12809  
establish user fees for the use of special public facilities or 12810  
participation in special activities on lands and waters 12811  
administered by the division. The special facilities and 12812  
activities may include hunting or fishing on special designated 12813  
public lands and waters intensively managed or stocked with 12814  
artificially propagated game birds or fish, field trial 12815  
facilities, wildlife nature centers, firearm ranges, boat mooring 12816  
facilities, camping sites, and other similar special facilities 12817  
and activities. The chief shall determine whether the user fees 12818  
are refundable and shall ensure that that information is provided 12819  
at the time the user fees are paid. 12820

(F) The chief, with the approval of the director, may enter 12821  
into lease agreements for rental of concessions or other special 12822  
projects situated on state-owned or leased lands or waters or 12823  
other property under the division's control. The chief shall set 12824  
and collect the fees for concession rentals or other special 12825  
projects; regulate through contracts between the division and 12826  
concessionaires the sale of tangible objects at concessions or 12827

other special projects; and keep a record of all such fee payments 12828  
showing the amount received, from whom received, and for what 12829  
purpose the fee was collected. 12830

(G) The chief may sell or donate conservation-related items 12831  
or items that promote wildlife conservation, including, but not 12832  
limited to, stamps, pins, badges, books, bulletins, maps, 12833  
publications, calendars, and any other educational article or 12834  
artifact pertaining to wild animals; sell confiscated or forfeited 12835  
items; and sell surplus structures and equipment, and timber or 12836  
crops from lands owned, administered, leased, or controlled by the 12837  
division. The chief, with the approval of the director, also may 12838  
engage in campaigns and special events that promote wildlife 12839  
conservation by selling or donating wildlife-related materials, 12840  
memberships, and other items of promotional value. 12841

(H) The chief may sell, lease, or transfer minerals or 12842  
mineral rights, with the approval of the director, when the chief 12843  
and the director determine it to be in the best interest of the 12844  
state. Upon approval of the director, the chief may make, execute, 12845  
and deliver contracts, including leases, to mine, drill, or 12846  
excavate iron ore, stone, coal, petroleum, gas, salt, and other 12847  
minerals upon and under lands owned by the state and administered 12848  
by the division to any person who complies with the terms of such 12849  
a contract. No such contract shall be valid for more than fifty 12850  
years from its effective date. Consideration for minerals and 12851  
mineral rights shall be by rental or royalty basis as prescribed 12852  
by the chief and payable as prescribed by contract. Moneys 12853  
collected under this division shall be paid into the state 12854  
treasury to the credit of the wildlife habitat fund created in 12855  
section 1531.33 of the Revised Code. Contracts entered into under 12856  
this division also may provide for consideration for minerals or 12857  
mineral rights in the form of acquisition of lands as provided 12858  
under divisions (A) and (C) of this section. 12859

(I) All moneys received under divisions (E), (F), and (G) of this section shall be paid into the state treasury to the credit of a fund that shall be used for the purposes outlined in section 1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

(J) The chief, with the approval of the director, may barter or sell wild animals to other states, state or federal agencies, and conservation or zoological organizations. Moneys received from the sale of wild animals shall be deposited into the wild animal fund created in section 1531.34 of the Revised Code.

(K) The chief shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

The chief shall establish criteria for the issuance of and shall issue permits for the administration of contraceptive chemicals to noncaptive wild animals. No person shall administer contraceptive chemicals to noncaptive wild animals without a permit issued by the chief.

(L) All fees set by the chief under this section shall be approved by the wildlife council.

(M) Information contained in the wildlife diversity database that is established pursuant to division (B)(2) of this section and section 1531.25 of the Revised Code may be made available to any individual or public or private agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1531.25 of the Revised Code and of features that are included in the wildlife diversity

database is not subject to section 149.43 of the Revised Code if 12891  
the chief determines that the release of the information could be 12892  
detrimental to the conservation of a species or feature. 12893

**Sec. 1531.35.** The wildlife boater angler fund is hereby 12894  
created in the state treasury. The fund shall consist of money 12895  
credited to the fund pursuant to section 5735.051 of the Revised 12896  
Code and other money contributed to the division of wildlife for 12897  
the purposes of the fund. The fund shall be used for boating 12898  
access construction, improvements, and maintenance, and to pay for 12899  
equipment and personnel costs involved with those activities, on 12900  
lakes on which the operation of gasoline-powered watercraft is 12901  
permissible. However, not more than two hundred thousand dollars 12902  
of the annual expenditures from the fund may be used to pay for 12903  
the equipment and personnel costs. 12904

**Sec. 1555.08.** (A) Subject to the limitations provided in 12905  
Section 15 of Article VIII, Ohio Constitution, the commissioners 12906  
of the sinking fund, upon certification by the director of the 12907  
Ohio coal development office of the amount of moneys or additional 12908  
moneys needed in the coal research and development fund for the 12909  
purpose of making grants or loans for allowable costs, or needed 12910  
for capitalized interest, for funding reserves, and for paying 12911  
costs and expenses incurred in connection with the issuance, 12912  
carrying, securing, paying, redeeming, or retirement of the 12913  
obligations or any obligations refunded thereby, including payment 12914  
of costs and expenses relating to letters of credit, lines of 12915  
credit, insurance, put agreements, standby purchase agreements, 12916  
indexing, marketing, remarketing and administrative arrangements, 12917  
interest swap or hedging agreements, and any other credit 12918  
enhancement, liquidity, remarketing, renewal, or refunding 12919  
arrangements, all of which are authorized by this section, or 12920  
providing moneys for loan guarantees, shall issue obligations of 12921

the state under this section in amounts authorized by the general 12922  
assembly; provided that such obligations may be issued to the 12923  
extent necessary to satisfy the covenants in contracts of 12924  
guarantee made under section 1555.05 of the Revised Code to issue 12925  
obligations to meet such guarantees, notwithstanding limitations 12926  
otherwise applicable to the issuance of obligations under this 12927  
section except the one-hundred-million-dollar limitation provided 12928  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 12929  
such obligations, except for the portion to be deposited in the 12930  
coal research and development bond service fund as may be provided 12931  
in the bond proceedings, shall as provided in the bond proceedings 12932  
be deposited in the coal research and development fund. The 12933  
commissioners of the sinking fund may appoint trustees, paying 12934  
agents, and transfer agents and may retain the services of 12935  
financial advisors, accounting experts, and attorneys, and retain 12936  
or contract for the services of marketing, remarketing, indexing, 12937  
and administrative agents, other consultants, and independent 12938  
contractors, including printing services, as are necessary in 12939  
their judgment to carry out this section. 12940

(B) The full faith and credit of the state of Ohio is hereby 12941  
pledged to obligations issued under this section. The right of the 12942  
holders and owners to payment of bond service charges is limited 12943  
to all or that portion of the moneys pledged thereto pursuant to 12944  
the bond proceedings in accordance with this section, and each 12945  
such obligation shall bear on its face a statement to that effect. 12946

(C) Obligations shall be authorized by resolution of the 12947  
commissioners of the sinking fund on request of the director of 12948  
the Ohio coal development office as provided in section 1555.02 of 12949  
the Revised Code and the bond proceedings shall provide for the 12950  
purpose thereof and the principal amount or amounts, and shall 12951  
provide for or authorize the manner or agency for determining the 12952  
principal maturity or maturities, not exceeding forty years from 12953

the date of issuance, the interest rate or rates or the maximum 12954  
interest rate, the date of the obligations and the dates of 12955  
payment of interest thereon, their denomination, and the 12956  
establishment within or without the state of a place or places of 12957  
payment of bond service charges. Sections 9.98 to 9.983 of the 12958  
Revised Code apply to obligations issued under this section. The 12959  
purpose of such obligations may be stated in the bond proceedings 12960  
in terms describing the general purpose or purposes to be served. 12961  
The bond proceedings shall also provide, subject to the provisions 12962  
of any other applicable bond proceedings, for the pledge of all, 12963  
or such part as the commissioners of the sinking fund may 12964  
determine, of the moneys credited to the coal research and 12965  
development bond service fund to the payment of bond service 12966  
charges, which pledges may be made either prior or subordinate to 12967  
other expenses, claims, or payments and may be made to secure the 12968  
obligations on a parity with obligations theretofore or thereafter 12969  
issued, if and to the extent provided in the bond proceedings. The 12970  
moneys so pledged and thereafter received by the state are 12971  
immediately subject to the lien of such pledge without any 12972  
physical delivery thereof or further act, and the lien of any such 12973  
pledges is valid and binding against all parties having claims of 12974  
any kind against the state or any governmental agency of the 12975  
state, irrespective of whether such parties have notice thereof, 12976  
and shall create a perfected security interest for all purposes of 12977  
Chapter 1309. of the Revised Code, without the necessity for 12978  
separation or delivery of funds or for the filing or recording of 12979  
the bond proceedings by which such pledge is created or any 12980  
certificate, statement or other document with respect thereto; and 12981  
the pledge of such moneys is effective and the money therefrom and 12982  
thereof may be applied to the purposes for which pledged without 12983  
necessity for any act of appropriation. Every pledge, and every 12984  
covenant and agreement made with respect thereto, made in the bond 12985  
proceedings may therein be extended to the benefit of the owners 12986



and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(D) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the commissioners of the sinking fund at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued;

(5) The deposit, investment, and application of the coal research and development bond service fund, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;

(6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision which may be made in a trust agreement or indenture;

(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 13017  
mortgages or other security obtained or to be obtained for loans 13018  
under this chapter. 13019

(E) The obligations may have the great seal of the state or a 13020  
facsimile thereof affixed thereto or printed thereon. The 13021  
obligations shall be signed by such members of the commissioners 13022  
of the sinking fund as are designated in the resolution 13023  
authorizing the obligations or bear the facsimile signatures of 13024  
such members. Any coupons attached to the obligations shall bear 13025  
the facsimile signature of the treasurer of state. Any obligations 13026  
may be executed by the persons who, on the date of execution, are 13027  
the commissioners although on the date of such bonds the persons 13028  
were not the commissioners. Any coupons may be executed by the 13029  
person who, on the date of execution, is the treasurer of state 13030  
although on the date of such coupons the person was not the 13031  
treasurer of state. In case any officer or commissioner whose 13032  
signature or a facsimile of whose signature appears on any such 13033  
obligations or any coupons ceases to be such officer or 13034  
commissioner before delivery thereof, such signature or facsimile 13035  
is nevertheless valid and sufficient for all purposes as if the 13036  
individual had remained such officer or commissioner until such 13037  
delivery; and in case the seal to be affixed to obligations has 13038  
been changed after a facsimile of the seal has been imprinted on 13039  
such obligations, such facsimile seal shall continue to be 13040  
sufficient as to such obligations and obligations issued in 13041  
substitution or exchange therefor. 13042

(F) All obligations except loan guarantees are negotiable 13043  
instruments and securities under Chapter 1308. of the Revised 13044  
Code, subject to the provisions of the bond proceedings as to 13045  
registration. The obligations may be issued in coupon or in 13046  
registered form, or both, as the commissioners of the sinking fund 13047  
determine. Provision may be made for the registration of any 13048

obligations with coupons attached thereto as to principal alone or 13049  
as to both principal and interest, their exchange for obligations 13050  
so registered, and for the conversion or reconversion into 13051  
obligations with coupons attached thereto of any obligations 13052  
registered as to both principal and interest, and for reasonable 13053  
charges for such registration, exchange, conversion, and 13054  
reconversion. 13055

(G) Obligations may be sold at public sale or at private 13056  
sale, as determined in the bond proceedings. 13057

(H) Pending preparation of definitive obligations, the 13058  
commissioners of the sinking fund may issue interim receipts or 13059  
certificates which shall be exchanged for such definitive 13060  
obligations. 13061

(I) In the discretion of the commissioners of the sinking 13062  
fund, obligations may be secured additionally by a trust agreement 13063  
or indenture between the commissioners and a corporate trustee, 13064  
which may be any trust company or bank having ~~its principal a~~ 13065  
place of business within the state. Any such agreement or 13066  
indenture may contain the resolution authorizing the issuance of 13067  
the obligations, any provisions that may be contained in any bond 13068  
proceedings, and other provisions that are customary or 13069  
appropriate in an agreement or indenture of such type, including, 13070  
but not limited to: 13071

(1) Maintenance of each pledge, trust agreement, indenture, 13072  
or other instrument comprising part of the bond proceedings until 13073  
the state has fully paid the bond service charges on the 13074  
obligations secured thereby, or provision therefor has been made; 13075

(2) In the event of default in any payments required to be 13076  
made by the bond proceedings, or any other agreement of the 13077  
commissioners of the sinking fund made as a part of the contract 13078  
under which the obligations were issued, enforcement of such 13079

payments or agreement by mandamus, the appointment of a receiver, 13080  
suit in equity, action at law, or any combination of the 13081  
foregoing; 13082

(3) The rights and remedies of the holders of obligations and 13083  
of the trustee, and provisions for protecting and enforcing them, 13084  
including limitations on rights of individual holders of 13085  
obligations; 13086

(4) The replacement of any obligations that become mutilated 13087  
or are destroyed, lost, or stolen; 13088

(5) Such other provisions as the trustee and the 13089  
commissioners of the sinking fund agree upon, including 13090  
limitations, conditions, or qualifications relating to any of the 13091  
foregoing. 13092

(J) Any holder of obligations or a trustee under the bond 13093  
proceedings, except to the extent that the holder's rights are 13094  
restricted by the bond proceedings, may by any suitable form of 13095  
legal proceedings protect and enforce any rights under the laws of 13096  
this state or granted by such bond proceedings. Such rights 13097  
include the right to compel the performance of all duties of the 13098  
commissioners of the sinking fund, the Ohio air quality 13099  
development authority, or the Ohio coal development office 13100  
required by this chapter and Chapter 1551. of the Revised Code or 13101  
the bond proceedings; to enjoin unlawful activities; and in the 13102  
event of default with respect to the payment of any bond service 13103  
charges on any obligations or in the performance of any covenant 13104  
or agreement on the part of the commissioners, the authority, or 13105  
the office in the bond proceedings, to apply to a court having 13106  
jurisdiction of the cause to appoint a receiver to receive and 13107  
administer the moneys pledged, other than those in the custody of 13108  
the treasurer of state, that are pledged to the payment of the 13109  
bond service charges on such obligations or that are the subject 13110  
of the covenant or agreement, with full power to pay, and to 13111

provide for payment of bond service charges on, such obligations, 13112  
and with such powers, subject to the direction of the court, as 13113  
are accorded receivers in general equity cases, excluding any 13114  
power to pledge additional revenues or receipts or other income or 13115  
moneys of the commissioners of the sinking fund or the state or 13116  
governmental agencies of the state to the payment of such 13117  
principal and interest and excluding the power to take possession 13118  
of, mortgage, or cause the sale or otherwise dispose of any 13119  
project. 13120

Each duty of the commissioners of the sinking fund and their 13121  
employees, and of each governmental agency and its officers, 13122  
members, or employees, undertaken pursuant to the bond proceedings 13123  
or any grant, loan, or loan guarantee agreement made under 13124  
authority of this chapter, and in every agreement by or with the 13125  
commissioners, is hereby established as a duty of the 13126  
commissioners, and of each such officer, member, or employee 13127  
having authority to perform such duty, specifically enjoined by 13128  
the law resulting from an office, trust, or station within the 13129  
meaning of section 2731.01 of the Revised Code. 13130

The persons who are at the time the commissioners of the 13131  
sinking fund, or their employees, are not liable in their personal 13132  
capacities on any obligations issued by the commissioners or any 13133  
agreements of or with the commissioners. 13134

(K) Obligations issued under this section are lawful 13135  
investments for banks, societies for savings, savings and loan 13136  
associations, deposit guarantee associations, trust companies, 13137  
trustees, fiduciaries, insurance companies, including domestic for 13138  
life and domestic not for life, trustees or other officers having 13139  
charge of sinking and bond retirement or other special funds of 13140  
political subdivisions and taxing districts of this state, the 13141  
commissioners of the sinking fund of the state, the administrator 13142  
of workers' compensation, the state teachers retirement system, 13143

the public employees retirement system, the school employees 13144  
retirement system, and the Ohio police and fire pension fund, 13145  
notwithstanding any other provisions of the Revised Code or rules 13146  
adopted pursuant thereto by any governmental agency of the state 13147  
with respect to investments by them, and are also acceptable as 13148  
security for the deposit of public moneys. 13149

(L) If the law or the instrument creating a trust pursuant to 13150  
division (I) of this section expressly permits investment in 13151  
direct obligations of the United States or an agency of the United 13152  
States, unless expressly prohibited by the instrument, such moneys 13153  
also may be invested in no-front-end-load money market mutual 13154  
funds consisting exclusively of obligations of the United States 13155  
or an agency of the United States and in repurchase agreements, 13156  
including those issued by the fiduciary itself, secured by 13157  
obligations of the United States or an agency of the United 13158  
States; and in collective investment funds established in 13159  
accordance with section 1111.14 of the Revised Code and consisting 13160  
exclusively of any such securities, notwithstanding division 13161  
(A)(1)(c) of that section. The income from such investments shall 13162  
be credited to such funds as the commissioners of the sinking fund 13163  
determine, and such investments may be sold at such times as the 13164  
commissioners determine or authorize. 13165

(M) Provision may be made in the applicable bond proceedings 13166  
for the establishment of separate accounts in the bond service 13167  
fund and for the application of such accounts only to the 13168  
specified bond service charges on obligations pertinent to such 13169  
accounts and bond service fund and for other accounts therein 13170  
within the general purposes of such fund. Moneys to the credit of 13171  
the bond service fund shall be disbursed on the order of the 13172  
treasurer of state; provided, that no such order is required for 13173  
the payment from the bond service fund when due of bond service 13174  
charges on obligations. 13175

(N) The commissioners of the sinking fund may pledge all, or 13176  
such portion as they determine, of the receipts of the bond 13177  
service fund to the payment of bond service charges on obligations 13178  
issued under this section, and for the establishment and 13179  
maintenance of any reserves, as provided in the bond proceedings, 13180  
and make other provisions therein with respect to pledged receipts 13181  
as authorized by this chapter, which provisions control 13182  
notwithstanding any other provisions of law pertaining thereto. 13183

(O) The commissioners of the sinking fund may covenant in the 13184  
bond proceedings, and any such covenants control notwithstanding 13185  
any other provision of law, that the state and applicable officers 13186  
and governmental agencies of the state, including the general 13187  
assembly, so long as any obligations are outstanding, shall: 13188

(1) Maintain statutory authority for and cause to be levied 13189  
and collected taxes so that the pledged receipts are sufficient in 13190  
amount to meet bond service charges, and the establishment and 13191  
maintenance of any reserves and other requirements provided for in 13192  
the bond proceedings, and, as necessary, to meet covenants 13193  
contained in any loan guarantees made under this chapter; 13194

(2) Take or permit no action, by statute or otherwise, that 13195  
would impair the exemption from federal income taxation of the 13196  
interest on the obligations. 13197

(P) All moneys received by or on account of the state and 13198  
required by the applicable bond proceedings, consistent with this 13199  
section, to be deposited, transferred, or credited to the coal 13200  
research and development bond service fund, and all other moneys 13201  
transferred or allocated to or received for the purposes of the 13202  
fund, shall be credited to such fund and to any separate accounts 13203  
therein, subject to applicable provisions of the bond proceedings, 13204  
but without necessity for any act of appropriation. During the 13205  
period beginning with the date of the first issuance of 13206  
obligations and continuing during such time as any such 13207

obligations are outstanding, and so long as moneys in the bond 13208  
service fund are insufficient to pay all bond service charges on 13209  
such obligations becoming due in each year, a sufficient amount of 13210  
moneys of the state are committed and shall be paid to the bond 13211  
service fund in each year for the purpose of paying the bond 13212  
service charges becoming due in that year without necessity for 13213  
further act of appropriation for such purpose. The bond service 13214  
fund is a trust fund and is hereby pledged to the payment of bond 13215  
service charges to the extent provided in the applicable bond 13216  
proceedings, and payment thereof from such fund shall be made or 13217  
provided for by the treasurer of state in accordance with such 13218  
bond proceedings without necessity for any act of appropriation. 13219  
All investment earnings of the fund shall be credited to the fund. 13220

(Q) For purposes of establishing the limitations contained in 13221  
Section 15 of Article VIII, Ohio Constitution, the "principal 13222  
amount" refers to the aggregate of the offering price of the bonds 13223  
or notes. "Principal amount" does not refer to the aggregate value 13224  
at maturity or redemption of the bonds or notes. 13225

(R) This section applies only with respect to obligations 13226  
issued and delivered prior to September 30, 2000. 13227

**Sec. 1557.03.** (A)(1) The commissioners of the sinking fund 13228  
are authorized to issue and sell, as provided in this section and 13229  
in amounts from time to time authorized by the general assembly, 13230  
general obligations of this state for the purpose of financing or 13231  
assisting in the financing of the costs of projects. The full 13232  
faith and credit, revenues, and taxing power of the state are and 13233  
shall be pledged to the timely payment of debt charges on 13234  
outstanding obligations, all in accordance with Section 21 of 13235  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 13236  
Code, excluding from that pledge fees, excises, or taxes relating 13237  
to the registration, operation, or use of vehicles on the public 13238



highways, or to fuels used for propelling those vehicles, and so 13239  
long as such obligations are outstanding there shall be levied and 13240  
collected excises and taxes, excluding those excepted above, in 13241  
amount sufficient to pay the debt charges on such obligations and 13242  
financing costs relating to credit enhancement facilities. 13243

(2) For meetings of the commissioners of the sinking fund 13244  
pertaining to the obligations under this chapter, each of the 13245  
commissioners may designate an employee or officer of that 13246  
commissioner's office to attend meetings when that commissioner is 13247  
absent for any reason, and such designee, when present, shall be 13248  
counted in determining whether a quorum is present at any meeting 13249  
and may vote and participate in all proceedings and actions of the 13250  
commissioners at that meeting pertaining to the obligations, 13251  
provided, that such designee shall not execute or cause a 13252  
facsimile of the designee's signature to be placed on any 13253  
obligation, or execute any trust agreement or indenture of the 13254  
commissioners. Such designation shall be in writing, executed by 13255  
the designating member, and shall be filed with the secretary of 13256  
the commissioners and such designation may be changed from time to 13257  
time by a similar written designation. 13258

(B) The total principal amount of obligations outstanding at 13259  
any one time shall not exceed two hundred million dollars, and not 13260  
more than fifty million dollars in principal amount of obligations 13261  
to pay costs of projects may be issued in any fiscal year, all 13262  
determined as provided in Chapter 1557. of the Revised Code. 13263

(C) The state may participate by grants or contributions in 13264  
financing projects under this section made by local government 13265  
entities. Of the proceeds of the first two hundred million dollars 13266  
principal amount in obligations issued under this section to pay 13267  
costs of projects, at least twenty per cent shall be allocated in 13268  
accordance with section 1557.06 of the Revised Code to grants or 13269  
contributions to local government entities. The director of budget 13270

and management shall establish and maintain records in such manner 13271  
as to show that the proceeds credited to the Ohio parks and 13272  
natural resources fund have been expended for the purposes and in 13273  
accordance with the limitations set forth herein. 13274

(D) Each issue of obligations shall be authorized by 13275  
resolution of the commissioners of the sinking fund. The bond 13276  
proceedings shall provide for the principal amount or maximum 13277  
principal amount of obligations of an issue, and shall provide for 13278  
or authorize the manner or agency for determining the principal 13279  
maturity or maturities, not exceeding the earlier of twenty-five 13280  
years from the date the debt represented by the particular 13281  
obligations was originally contracted, the interest rate or rates, 13282  
the date of and the dates of payment of interest on the 13283  
obligations, their denominations, and the establishment within or 13284  
without the state of a place or places of payment of debt charges. 13285  
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 13286  
to the obligations. The purpose of the obligations may be stated 13287  
in the bond proceedings as "financing or assisting in the 13288  
financing of projects as provided in Section 21 of Article VIII, 13289  
Ohio Constitution." 13290

(E) The proceeds of the obligations, except for any portion 13291  
to be deposited in special funds, or in escrow funds for the 13292  
purpose of refunding outstanding obligations, all as may be 13293  
provided in the bond proceedings, shall be deposited in the Ohio 13294  
parks and natural resources fund established by section 1557.02 of 13295  
the Revised Code. 13296

(F) The commissioners of the sinking fund may appoint paying 13297  
agents, bond registrars, securities depositories, and transfer 13298  
agents, and may retain the services of financial advisers and 13299  
accounting experts, and retain or contract for the services of 13300  
marketing, remarketing, indexing, and administrative agents, other 13301  
consultants, and independent contractors, including printing 13302

services, as are necessary in the judgment of the commissioners to 13303  
carry out this chapter of the Revised Code. Financing costs are 13304  
payable, as provided in the bond proceedings, from the proceeds of 13305  
the obligations, from special funds, or from other moneys 13306  
available for the purpose. 13307

(G) The bond proceedings, including any trust agreement, may 13308  
contain additional provisions customary or appropriate to the 13309  
financing or to the obligations or to particular obligations, 13310  
including, but not limited to: 13311

(1) The redemption of obligations prior to maturity at the 13312  
option of the state or of the holder or upon the occurrence of 13313  
certain conditions at such price or prices and under such terms 13314  
and conditions as are provided in the bond proceedings; 13315

(2) The form of and other terms of the obligations; 13316

(3) The establishment, deposit, investment, and application 13317  
of special funds, and the safeguarding of moneys on hand or on 13318  
deposit, without regard to Chapter 131. or 135. of the Revised 13319  
Code, provided that any bank or trust company that acts as a 13320  
depository of any moneys in special funds may furnish such 13321  
indemnifying bonds or may pledge such securities as required by 13322  
the commissioners of the sinking fund; 13323

(4) Any or every provision of the bond proceedings binding 13324  
upon the commissioners of the sinking fund and such state agency 13325  
or local government entities, officer, board, commission, 13326  
authority, agency, department, or other person or body as may from 13327  
time to time have the authority under law to take such actions as 13328  
may be necessary to perform all or any part of the duty required 13329  
by such provision; 13330

(5) The maintenance of each pledge, any trust agreement, or 13331  
other instrument composing part of the bond proceedings until the 13332  
state has fully paid or provided for the payment of the debt 13333

charges on the obligations or met other stated conditions;	13334
(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;	13335 13336 13337 13338 13339 13340
(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;	13341 13342 13343 13344
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	13345 13346
(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will then no longer be or be deemed to be outstanding for purposes of this section or of the bond proceedings;	13347 13348 13349 13350
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	13351 13352 13353
(11) Such other provisions as the commissioners of the sinking fund determine, including limitations, conditions, or qualifications relating to any of the foregoing;	13354 13355 13356
(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.	13357 13358 13359
(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations shall be signed by or bear the facsimile signatures of two or more of the commissioners of the sinking fund as provided in the bond	13360 13361 13362 13363

proceedings. Any obligations may be signed by the person who, on 13364  
the date of execution, is the authorized signer although on the 13365  
date of such obligations such person was not a commissioner. In 13366  
case the individual whose signature or a facsimile of whose 13367  
signature appears on any obligation ceases to be a commissioner 13368  
before delivery of the obligation, such signature or facsimile is 13369  
nevertheless valid and sufficient for all purposes as if the 13370  
individual had remained the member until such delivery, and in 13371  
case the seal to be affixed to or printed on obligations has been 13372  
changed after the seal has been affixed to or a facsimile of the 13373  
seal has been printed on the obligations, that seal or facsimile 13374  
seal shall continue to be sufficient as to those obligations and 13375  
obligations issued in substitution or exchange therefor. 13376

(I) Obligations may be issued in coupon or in fully 13377  
registered form, or both, as the commissioners of the sinking fund 13378  
determine. Provision may be made for the registration of any 13379  
obligations with coupons attached as to principal alone or as to 13380  
both principal and interest, their exchange for obligations so 13381  
registered, and for the conversion or reconversion into 13382  
obligations with coupons attached of any obligations registered as 13383  
to both principal and interest, and for reasonable charges for 13384  
such registration, exchange, conversion, and reconversion. Pending 13385  
preparation of definitive obligations, the commissioners of the 13386  
sinking fund may issue interim receipts or certificates which 13387  
shall be exchanged for such definitive obligations. 13388

(J) Obligations may be sold at public sale or at private 13389  
sale, and at such price at, above, or below par, as determined by 13390  
the commissioners of the sinking fund in the bond proceedings. 13391

(K) In the discretion of the commissioners of the sinking 13392  
fund, obligations may be secured additionally by a trust agreement 13393  
between the state and a corporate trustee which may be any trust 13394  
company or bank having ~~its principal~~ a place of business within 13395

the state. Any trust agreement may contain the resolution 13396  
authorizing the issuance of the obligations, any provisions that 13397  
may be contained in the bond proceedings, and other provisions 13398  
that are customary or appropriate in an agreement of the type. 13399

(L) Except to the extent that their rights are restricted by 13400  
the bond proceedings, any holder of obligations, or a trustee 13401  
under the bond proceedings, may by any suitable form of legal 13402  
proceedings protect and enforce any rights under the laws of this 13403  
state or granted by the bond proceedings. Such rights include the 13404  
right to compel the performance of all duties of the commissioners 13405  
and the state. Each duty of the commissioners and employees of the 13406  
commissioners, and of each state agency and local public entity 13407  
and its officers, members, or employees, undertaken pursuant to 13408  
the bond proceedings, is hereby established as a duty of the 13409  
commissioners, and of each such agency, local government entity, 13410  
officer, member, or employee having authority to perform such 13411  
duty, specifically enjoined by the law and resulting from an 13412  
office, trust, or station within the meaning of section 2731.01 of 13413  
the Revised Code. The persons who are at the time the 13414  
commissioners, or employees of the commissioners, are not liable 13415  
in their personal capacities on any obligations or any agreements 13416  
of or with the commissioners relating to obligations or under the 13417  
bond proceedings. 13418

(M) Obligations are lawful investments for banks, societies 13419  
for savings, savings and loan associations, deposit guarantee 13420  
associations, trust companies, trustees, fiduciaries, insurance 13421  
companies, including domestic for life and domestic not for life, 13422  
trustees or other officers having charge of sinking and bond 13423  
retirement or other special funds of political subdivisions and 13424  
taxing districts of this state, the commissioners of the sinking 13425  
fund, the administrator of workers' compensation, the state 13426  
teachers retirement system, the public employees retirement 13427

system, the school employees retirement system, and the Ohio 13428  
police and fire pension fund, notwithstanding any other provisions 13429  
of the Revised Code or rules adopted pursuant thereto by any state 13430  
agency with respect to investments by them, and are also 13431  
acceptable as security for the deposit of public moneys. 13432

(N) Unless otherwise provided in any applicable bond 13433  
proceedings, moneys to the credit of or in the special funds 13434  
established by or pursuant to this section may be invested by or 13435  
on behalf of the commissioners of the sinking fund only in notes, 13436  
bonds, or other direct obligations of the United States or of any 13437  
agency or instrumentality of the United States, in obligations of 13438  
this state or any political subdivision of this state, in 13439  
certificates of deposit of any national bank located in this state 13440  
and any bank, as defined in section 1101.01 of the Revised Code, 13441  
subject to inspection by the superintendent of financial 13442  
institutions, in the Ohio subdivision's fund established pursuant 13443  
to section 135.45 of the Revised Code, in no-front-end-load money 13444  
market mutual funds consisting exclusively of direct obligations 13445  
of the United States or of an agency or instrumentality of the 13446  
United States, and in repurchase agreements, including those 13447  
issued by any fiduciary, secured by direct obligations of the 13448  
United States or an agency or instrumentality of the United 13449  
States, and in collective investment funds established in 13450  
accordance with section 1111.14 of the Revised Code and consisting 13451  
exclusively of direct obligations of the United States or of an 13452  
agency or instrumentality of the United States, notwithstanding 13453  
division (A)(1)(c) of that section. The income from investments 13454  
shall be credited to such special funds or otherwise as the 13455  
commissioners of the sinking fund determine in the bond 13456  
proceedings, and the investments may be sold or exchanged at such 13457  
times as the commissioners determine or authorize. 13458

(O) Unless otherwise provided in any applicable bond 13459

proceedings, moneys to the credit of or in a special fund shall be 13460  
disbursed on the order of the commissioners of the sinking fund, 13461  
provided that no such order is required for the payment from the 13462  
bond service fund or other special fund when due of debt charges 13463  
or required payments under credit enhancement facilities. 13464

(P) The commissioners of the sinking fund may covenant in the 13465  
bond proceedings, and any such covenants shall be controlling 13466  
notwithstanding any other provision of law, that the state and the 13467  
applicable officers and agencies of the state, including the 13468  
general assembly, so long as any obligations are outstanding in 13469  
accordance with their terms, shall maintain statutory authority 13470  
for and cause to be charged and collected taxes, excises, and 13471  
other receipts of the state so that the receipts to the bond 13472  
service fund shall be sufficient in amounts to meet debt charges 13473  
and for the establishment and maintenance of any reserves and 13474  
other requirements, including payment of the costs of credit 13475  
enhancement facilities, provided for in the bond proceedings. 13476

(Q) The obligations, the transfer thereof, and the interest, 13477  
other accreted amounts, and other income therefrom, including any 13478  
profit made on the sale thereof, at all times shall be free from 13479  
taxation, direct or indirect, within the state. 13480

(R) This section applies only with respect to obligations 13481  
issued and delivered before September 30, 2000. 13482

Sec. 1713.031. The Ohio board of regents shall review an 13483  
application for a certificate of authorization from a school 13484  
described in division (E) of section 3332.01 of the Revised Code 13485  
within twenty-two weeks. 13486

**Sec. 2113.041.** (A) The administrator of the medicaid estate 13487  
recovery program established pursuant to section 5111.11 of the 13488  
Revised Code may present an affidavit to a financial institution 13489



requesting that the financial institution release account proceeds 13490  
to recover the cost of services correctly provided to a medicaid 13491  
recipient who is subject to the medicaid estate recovery program. 13492  
The affidavit shall include all of the following information: 13493

(1) The name of the decedent; 13494

(2) The name of any person who gave notice that the decedent 13495  
was a medicaid recipient and that person's relationship to the 13496  
decedent; 13497

(3) The name of the financial institution; 13498

(4) The account number; 13499

(5) A description of the claim for estate recovery; 13500

(6) The amount of funds to be recovered. 13501

(B) A financial institution may release account proceeds to 13502  
the administrator of the medicaid estate recovery program if all 13503  
of the following apply: 13504

(1) The decedent held an account at the financial institution 13505  
that was in the decedent's name only. 13506

(2) No estate has been, and it is reasonable to assume that 13507  
no estate will be, opened for the decedent. 13508

(3) The decedent has no outstanding debts known to the 13509  
administrator of the medicaid estate recovery program. 13510

(4) The financial institution has received no objections or 13511  
has determined that no valid objections to release of proceeds 13512  
have been received. 13513

(C) If proceeds have been released pursuant to division (B) 13514  
of this section and the department of job and family services 13515  
receives notice of a valid claim to the proceeds that has a higher 13516  
priority under section 2117.25 of the Revised Code than the claim 13517  
of the medicaid estate recovery program, the department may refund 13518

the proceeds to the financial institution or pay them to the 13519  
person or government entity with the claim. 13520

**Sec. 2117.061.** (A) As used in this section: 13521

(1) "Medicaid estate recovery program" means the program 13522  
instituted under section 5111.11 of the Revised Code. 13523

(2) "Permanently institutionalized individual" has the same 13524  
meaning as in section 5111.11 of the Revised Code. 13525

(3) "Person responsible for the estate" means the executor, 13526  
administrator, commissioner, or person who filed pursuant to 13527  
section 2113.03 of the Revised Code for release from 13528  
administration of an estate. 13529

(B) ~~If a decedent, at the time of death, was fifty five years 13530  
of age or older or a permanently institutionalized individual, the 13531  
person responsible for the decedent's estate shall determine 13532  
whether the decedent was, at any time during the decedent's life, 13533  
a medicaid recipient under Chapter 5111. of the Revised Code. If 13534  
the decedent was a medicaid recipient, the The person responsible 13535  
for the estate of a decedent subject to the medicaid estate 13536  
recovery program or the estate of a decedent who was the spouse of 13537  
a decedent subject to the medicaid estate recovery program shall 13538  
submit a properly completed medicaid estate recovery reporting 13539  
form prescribed under division (D) of this section to the 13540  
administrator of the medicaid estate recovery program not later 13541  
than thirty days after the occurrence of any of the following: 13542~~

(1) The granting of letters testamentary; 13543

(2) The administration of the estate; 13544

(3) The filing of an application for release from 13545  
administration or summary release from administration. 13546

(C) The person responsible for the estate shall mark the 13547  
appropriate box on the appropriate probate form to indicate 13548

compliance with the requirements of division (B) of this section. 13549

The probate court shall send a copy of the completed probate 13550  
form to the administrator of the medicaid estate recovery program. 13551

(D) The administrator of the medicaid estate recovery program 13552  
shall prescribe a medicaid estate recovery reporting form for the 13553  
purpose of division (B) of this section. The In the case of a 13554  
decedent subject to the medicaid estate recovery program, the 13555  
form shall require, at a minimum, that the person responsible for the 13556  
estate list all of the decedent's real and personal property and 13557  
other assets that are part of the decedent's estate as defined in 13558  
section 5111.11 of the Revised Code. In the case of a decedent who 13559  
was the spouse of a decedent subject to the medicaid estate 13560  
recovery program, the form shall require, at a minimum, that the 13561  
person responsible for the estate list all of the decedent's real 13562  
and personal property and other assets that are part of the 13563  
decedent's estate as defined in section 5111.11 of the Revised 13564  
Code and were also part of the estate, as so defined, of the 13565  
decedent subject to the medicaid estate recovery program. The 13566  
administrator shall include on the form a statement printed in 13567  
bold letters informing the person responsible for the estate that 13568  
knowingly making a false statement on the form is falsification 13569  
under section 2921.13 of the Revised Code, a misdemeanor of the 13570  
first degree. 13571

(E) The ~~estate recovery program~~ administrator of the medicaid 13572  
estate recovery program shall present a claim for estate recovery 13573  
to the person responsible for the estate of the decedent or the 13574  
person's legal representative not later than ninety days after the 13575  
date on which the medicaid estate recovery reporting form is 13576  
received under division (B) of this section or one year after the 13577  
decedent's death, whichever is later. 13578

**Sec. 2117.25.** (A) Every executor or administrator shall 13579

proceed with diligence to pay the debts of the decedent and shall	13580
apply the assets in the following order:	13581
(1) Costs and expenses of administration;	13582
(2) An amount, not exceeding four thousand dollars, for	13583
funeral expenses that are included in the bill of a funeral	13584
director, funeral expenses other than those in the bill of a	13585
funeral director that are approved by the probate court, and an	13586
amount, not exceeding three thousand dollars, for burial and	13587
cemetery expenses, including that portion of the funeral	13588
director's bill allocated to cemetery expenses that have been paid	13589
to the cemetery by the funeral director.	13590
For purposes of this division, burial and cemetery expenses	13591
shall be limited to the following:	13592
(a) The purchase of a right of interment;	13593
(b) Monuments or other markers;	13594
(c) The outer burial container;	13595
(d) The cost of opening and closing the place of interment;	13596
(e) The urn.	13597
(3) The allowance for support made to the surviving spouse,	13598
minor children, or both under section 2106.13 of the Revised Code;	13599
(4) Debts entitled to a preference under the laws of the	13600
United States;	13601
(5) Expenses of the last sickness of the decedent;	13602
(6) If the total bill of a funeral director for funeral	13603
expenses exceeds four thousand dollars, then, in addition to the	13604
amount described in division (A)(2) of this section, an amount,	13605
not exceeding two thousand dollars, for funeral expenses that are	13606
included in the bill and that exceed four thousand dollars;	13607
(7) Personal property taxes, claims made under the <u>medicaid</u>	13608

estate recovery program instituted pursuant to section 5111.11 of 13609  
the Revised Code, and obligations for which the decedent was 13610  
personally liable to the state or any of its subdivisions; 13611

(8) Debts for manual labor performed for the decedent within 13612  
twelve months preceding the decedent's death, not exceeding three 13613  
hundred dollars to any one person; 13614

(9) Other debts for which claims have been presented and 13615  
finally allowed. 13616

(B) The part of the bill of a funeral director that exceeds 13617  
the total of six thousand dollars as described in divisions (A)(2) 13618  
and (6) of this section, and the part of a claim included in 13619  
division (A)(8) of this section that exceeds three hundred dollars 13620  
shall be included as a debt under division (A)(9) of this section, 13621  
depending upon the time when the claim for the additional amount 13622  
is presented. 13623

(C) Any natural person or fiduciary who pays a claim of any 13624  
creditor described in division (A) of this section shall be 13625  
subrogated to the rights of that creditor proportionate to the 13626  
amount of the payment and shall be entitled to reimbursement for 13627  
that amount in accordance with the priority of payments set forth 13628  
in that division. 13629

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 13630  
to the manner in which and the time within which claims shall be 13631  
presented, shall apply to claims set forth in divisions (A)(2), 13632  
(6), and (8) of this section. Claims for an expense of 13633  
administration or for the allowance for support need not be 13634  
presented. The executor or administrator shall pay debts included 13635  
in divisions (A)(4) and (7) of this section, of which the executor 13636  
or administrator has knowledge, regardless of presentation. 13637

(2) The giving of written notice to an executor or 13638  
administrator of a motion or application to revive an action 13639

pending against the decedent at the date of death shall be 13640  
equivalent to the presentation of a claim to the executor or 13641  
administrator for the purpose of determining the order of payment 13642  
of any judgment rendered or decree entered in such an action. 13643

(E) No payments shall be made to creditors of one class until 13644  
all those of the preceding class are fully paid or provided for. 13645  
If the assets are insufficient to pay all the claims of one class, 13646  
the creditors of that class shall be paid ratably. 13647

(F) If it appears at any time that the assets have been 13648  
exhausted in paying prior or preferred charges, allowances, or 13649  
claims, those payments shall be a bar to an action on any claim 13650  
not entitled to that priority or preference. 13651

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 13652  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 13653  
applicable, the court, at the time of making any order that 13654  
removes a child from the child's own home or that vests legal or 13655  
permanent custody of the child in a person other than the child's 13656  
parent or a government agency, shall determine the school district 13657  
that is to bear the cost of educating the child. The court shall 13658  
make the determination a part of the order that provides for the 13659  
child's placement or commitment. That school district shall bear 13660  
the cost of educating the child unless and until the ~~court~~ 13661  
~~modifies its order~~ department of education determines that a 13662  
different district shall be responsible for bearing that cost 13663  
pursuant to division (A)(2) of this section. The court's order 13664  
shall state that the determination of which school district is 13665  
responsible to bear the cost of educating the child is subject to 13666  
re-determination by the department pursuant to that division. 13667

(2) If, while the child is in the custody of a person other 13668  
than the child's parent or a government agency, the department of 13669  
education ~~notifies the court~~ determines that the place of 13670

residence of the child's parent has changed since the court issued 13671  
its initial order, the ~~court~~ department may ~~modify its order to~~ 13672  
name a different school district to bear the cost of educating the 13673  
child. The department ~~may submit the notice to the court upon~~ 13674  
~~receipt,~~ shall make this new determination, and any future 13675  
determinations, based on evidence received from the school 13676  
district ~~initially ordered~~ currently responsible to bear the cost 13677  
of educating the child, ~~of evidence acceptable to the department.~~ 13678  
If the department finds that the evidence demonstrates to its 13679  
satisfaction that the residence of the child's parent has changed 13680  
since the court issued its initial order. ~~In the notice to the~~ 13681  
~~court, the department shall recommend to the court whether a~~ 13682  
~~different district should be ordered to bear the cost of educating~~ 13683  
~~the child and, if so, which district should be so ordered. The~~ 13684  
under division (A)(1) of this section, or since the department 13685  
last made a determination under division (A)(2) of this section, 13686  
the department shall recommend to the court name the district in 13687  
which the child's parent currently resides or, if the parent's 13688  
residence is not known, the district in which the parent's last 13689  
known residence is located. If the department cannot determine any 13690  
Ohio district in which the parent currently resides or has 13691  
resided, the school district designated in the initial court order 13692  
under division (A)(1) of this section, or in the most recent 13693  
determination made by the department under division (A)(2) of this 13694  
section, shall continue to bear the cost of educating the child. 13695

~~The court may consider the content of a notice by the~~ 13696  
~~department of education under division (A)(2) of this section as~~ 13697  
~~conclusive evidence as to which school district should bear the~~ 13698  
~~cost of educating the child and may amend its order accordingly.~~ 13699

(B) Whenever a child is placed in a detention facility 13700  
established under section 2152.41 of the Revised Code or a 13701  
juvenile facility established under section 2151.65 of the Revised 13702

Code, the child's school district as determined by the court or 13703  
the department, in the same manner as prescribed in division (A) 13704  
of this section, shall pay the cost of educating the child based 13705  
on the per capita cost of the educational facility within the 13706  
detention home or juvenile facility. 13707

(C) Whenever a child is placed by the court in a private 13708  
institution, school, or residential treatment center or any other 13709  
private facility, the state shall pay to the court a subsidy to 13710  
help defray the expense of educating the child in an amount equal 13711  
to the product of the daily per capita educational cost of the 13712  
private facility, as determined pursuant to this section, and the 13713  
number of days the child resides at the private facility, provided 13714  
that the subsidy shall not exceed twenty-five hundred dollars per 13715  
year per child. The daily per capita educational cost of a private 13716  
facility shall be determined by dividing the actual program cost 13717  
of the private facility or twenty-five hundred dollars, whichever 13718  
is less, by three hundred sixty-five days or by three hundred 13719  
sixty-six days for years that include February twenty-ninth. The 13720  
state shall pay seventy-five per cent of the total subsidy for 13721  
each year quarterly to the court. The state may adjust the 13722  
remaining twenty-five per cent of the total subsidy to be paid to 13723  
the court for each year to an amount that is less than twenty-five 13724  
per cent of the total subsidy for that year based upon the 13725  
availability of funds appropriated to the department of education 13726  
for the purpose of subsidizing courts that place a child in a 13727  
private institution, school, or residential treatment center or 13728  
any other private facility and shall pay that adjusted amount to 13729  
the court at the end of the year. 13730

**Sec. 2305.2341.** (A) The medical liability insurance 13731  
reimbursement program is hereby established. Free clinics and 13732  
federally qualified health center look-alikes, including the 13733  
clinics' and centers' staff and volunteer health care 13734



professionals and volunteer health care workers, may participate 13735  
in the medical liability insurance reimbursement program 13736  
established by this section. The coverage provided under the 13737  
program shall be limited to claims that arise out of the 13738  
diagnosis, treatment, and care of patients of free clinics and 13739  
centers, as defined in division (D)~~(1)~~ of this section. 13740

(B) A free clinic or federally qualified health center 13741  
look-alike is eligible to receive reimbursement under the medical 13742  
liability insurance reimbursement program for the premiums that 13743  
the clinic or center pays for medical liability insurance coverage 13744  
for the clinic or center, its staff, and volunteer health care 13745  
professionals and health care workers. Free clinics and federally 13746  
qualified health center look-alikes shall register with the 13747  
department of health by the thirty-first day of January of each 13748  
year in order to participate in and to obtain reimbursement under 13749  
the program. Free Clinics that register with the department in 13750  
accordance with this division shall receive priority over centers 13751  
that register for reimbursement. 13752

Free clinics and federally qualified health center 13753  
look-alikes shall provide all of the following to the department 13754  
of health at the time of registration: 13755

(1) A statement of the number of volunteer and paid health 13756  
care professionals and health care workers providing health care 13757  
services at the free clinic or federally qualified health center 13758  
look-alike at that time; 13759

(2) A statement of the number of health care services 13760  
rendered by the free clinic or federally qualified health center 13761  
look-alike during the previous fiscal year; 13762

(3) A signed form acknowledging that the free clinic or 13763  
federally qualified health center look-alike agrees to follow its 13764  
medical liability insurer's risk management and loss prevention 13765

policies; 13766

(4) A copy of the medical liability insurance policy 13767  
purchased by the free clinic or federally qualified health center 13768  
look-alike, or the policy's declaration page, and documentation of 13769  
the premiums paid by the clinic or center. 13770

(C) The department of health shall reimburse free clinics and 13771  
federally qualified health center look-alikes participating in the 13772  
professional liability insurance reimbursement program for up to 13773  
eighty per cent of the premiums that the ~~free~~ clinic or center 13774  
pays for medical liability insurance coverage up to twenty 13775  
thousand dollars. Appropriations to the department of health may 13776  
be made from the general fund of the state for this purpose. 13777

(D) As used in this section: 13778

(1) "Federally qualified health center look-alike" means a 13779  
public or not-for-profit health center that meets the eligibility 13780  
requirements to receive a federal public health services grant 13781  
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 13782  
254b, as amended, but does not receive grant funding. 13783

(2) "Free clinic" means a nonprofit organization exempt from 13784  
federal income taxation under section 501(c)(3) of the "Internal 13785  
Revenue Code of 1986," as amended, or a program component of a 13786  
nonprofit organization, whose primary mission is to provide health 13787  
care services for free or for a minimal administrative fee to 13788  
individuals with limited resources. A free clinic facilitates the 13789  
delivery of health care services through the use of volunteer 13790  
health care professionals and voluntary care networks. For this 13791  
purpose, a free clinic shall comply with all of the following: 13792

(a) If a free clinic does request a minimal administrative 13793  
fee, a free clinic shall not deny an individual access to its 13794  
health care services based on an individual's ability to pay the 13795  
fee. 13796

(b) A free clinic shall not bill a patient for health care services rendered. 13797  
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(c) Free clinics shall not perform operations, as defined by divisions (A)(9) and (F)(1)(b) of section 2305.234 of the Revised Code. 13799  
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A clinic is not a free clinic if the clinic bills medicaid, medicare, or other third-party payers for health care services rendered at the clinic, and receives twenty-five per cent or more of the clinic's annual revenue from the third-party payments. 13802  
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~~(2)~~(3) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code. 13806  
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**Sec. 2913.40.** (A) As used in this section: 13808

(1) "Statement or representation" means any oral, written, electronic, electronic impulse, or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the medical assistance program or that states income and expense and is or may be used to determine a rate of reimbursement under the medical assistance program. 13809  
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(2) "Medical assistance program" means the program established by the department of job and family services to provide medical assistance under section 5111.01 of the Revised Code and the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 13815  
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(3) "Provider" means any person who has signed a provider agreement with the department of job and family services to provide goods or services pursuant to the medical assistance program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the medical assistance program. 13820  
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(4) "Provider agreement" means an oral or written agreement between the department of job and family services and a person in which the person agrees to provide goods or services under the medical assistance program.

(5) "Recipient" means any individual who receives goods or services from a provider under the medical assistance program.

(6) "Records" means any medical, professional, financial, or business records relating to the treatment or care of any recipient, to goods or services provided to any recipient, or to rates paid for goods or services provided to any recipient and any records that are required by the rules of the director of job and family services to be kept for the medical assistance program.

(B) No person shall knowingly make or cause to be made a false or misleading statement or representation for use in obtaining reimbursement from the medical assistance program.

(C) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Contrary to the terms of the person's provider agreement, charge, solicit, accept, or receive for goods or services that the person provides under the medical assistance program any property, money, or other consideration in addition to the amount of reimbursement under the medical assistance program and the person's provider agreement for the goods or services and any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted pursuant to section 5111.01, 5111.011, or 5111.02 of the Revised Code.

(2) Solicit, offer, or receive any remuneration, other than any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted under section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash

or in kind, including, but not limited to, a kickback or rebate, 13858  
in connection with the furnishing of goods or services for which 13859  
whole or partial reimbursement is or may be made under the medical 13860  
assistance program. 13861

(D) No person, having submitted a claim for or provided goods 13862  
or services under the medical assistance program, shall do either 13863  
of the following for a period of at least six years after a 13864  
reimbursement pursuant to that claim, or a reimbursement for those 13865  
goods or services, is received under the medical assistance 13866  
program: 13867

(1) Knowingly alter, falsify, destroy, conceal, or remove any 13868  
records that are necessary to fully disclose the nature of all 13869  
goods or services for which the claim was submitted, or for which 13870  
reimbursement was received, by the person; 13871

(2) Knowingly alter, falsify, destroy, conceal, or remove any 13872  
records that are necessary to disclose fully all income and 13873  
expenditures upon which rates of reimbursements were based for the 13874  
person. 13875

(E) Whoever violates this section is guilty of medicaid 13876  
fraud. Except as otherwise provided in this division, medicaid 13877  
fraud is a misdemeanor of the first degree. If the value of 13878  
property, services, or funds obtained in violation of this section 13879  
is five hundred dollars or more and is less than five thousand 13880  
dollars, medicaid fraud is a felony of the fifth degree. If the 13881  
value of property, services, or funds obtained in violation of 13882  
this section is five thousand dollars or more and is less than one 13883  
hundred thousand dollars, medicaid fraud is a felony of the fourth 13884  
degree. If the value of the property, services, or funds obtained 13885  
in violation of this section is one hundred thousand dollars or 13886  
more, medicaid fraud is a felony of the third degree. 13887

(F) Upon application of the governmental agency, office, or 13888

other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the medical assistance program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, section 5111.03 of the Revised Code, or any other provision of law.

(G) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

**Sec. 2921.42.** (A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of ~~his~~ the public official's office to secure authorization of any public contract in which ~~he~~ the public official, a member of ~~his~~ the public official's family, or any of ~~his~~ the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of ~~his~~ the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which ~~he~~ the public official, a member of ~~his~~ the public official's family, or any of ~~his~~ the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During ~~his~~ the public official's term of office or within one year thereafter, occupy any position of profit in the

prosecution of a public contract authorized by ~~him~~ the public 13920  
official or by a legislative body, commission, or board of which 13921  
~~he~~ the public official was a member at the time of authorization, 13922  
unless the contract was let by competitive bidding to the lowest 13923  
and best bidder; 13924

(4) Have an interest in the profits or benefits of a public 13925  
contract entered into by or for the use of the political 13926  
subdivision or governmental agency or instrumentality with which 13927  
~~he~~ the public official is connected; 13928

(5) Have an interest in the profits or benefits of a public 13929  
contract that is not let by competitive bidding if required by law 13930  
and that involves more than one hundred fifty dollars. 13931

(B) In the absence of bribery or a purpose to defraud, a 13932  
public official, member of ~~his~~ a public official's family, or any 13933  
of ~~his~~ a public official's business associates shall not be 13934  
considered as having an interest in a public contract or the 13935  
investment of public funds, if all of the following apply: 13936

(1) The interest of that person is limited to owning or 13937  
controlling shares of the corporation, or being a creditor of the 13938  
corporation or other organization, that is the contractor on the 13939  
public contract involved, or that is the issuer of the security in 13940  
which public funds are invested; 13941

(2) The shares owned or controlled by that person do not 13942  
exceed five per cent of the outstanding shares of the corporation, 13943  
and the amount due that person as creditor does not exceed five 13944  
per cent of the total indebtedness of the corporation or other 13945  
organization; 13946

(3) That person, prior to the time the public contract is 13947  
entered into, files with the political subdivision or governmental 13948  
agency or instrumentality involved, an affidavit giving ~~his~~ that 13949  
person's exact status in connection with the corporation or other 13950

organization. 13951

(C) This section does not apply to a public contract in which 13952  
a public official, member of ~~his~~ a public official's family, or 13953  
one of ~~his~~ a public official's business associates has an 13954  
interest, when all of the following apply: 13955

(1) The subject of the public contract is necessary supplies 13956  
or services for the political subdivision or governmental agency 13957  
or instrumentality involved; 13958

(2) The supplies or services are unobtainable elsewhere for 13959  
the same or lower cost, or are being furnished to the political 13960  
subdivision or governmental agency or instrumentality as part of a 13961  
continuing course of dealing established prior to the public 13962  
official's becoming associated with the political subdivision or 13963  
governmental agency or instrumentality involved; 13964

(3) The treatment accorded the political subdivision or 13965  
governmental agency or instrumentality is either preferential to 13966  
or the same as that accorded other customers or clients in similar 13967  
transactions; 13968

(4) The entire transaction is conducted at arm's length, with 13969  
full knowledge by the political subdivision or governmental agency 13970  
or instrumentality involved, of the interest of the public 13971  
official, member of ~~his~~ the public official's family, or business 13972  
associate, and the public official takes no part in the 13973  
deliberations or decision of the political subdivision or 13974  
governmental agency or instrumentality with respect to the public 13975  
contract. 13976

(D) Division (A)(4) of this section does not prohibit 13977  
participation by a public employee in any housing program funded 13978  
by public moneys if the public employee otherwise qualifies for 13979  
the program and does not use the authority or influence of ~~his~~ the 13980  
public employee's office or employment to secure benefits from the 13981



program and if the moneys are to be used on the primary residence 13982  
of the public employee. Such participation does not constitute an 13983  
unlawful interest in a public contract in violation of this 13984  
section. 13985

(E) Whoever violates this section is guilty of having an 13986  
unlawful interest in a public contract. Violation of division 13987  
(A)(1) or (2) of this section is a felony of the fourth degree. 13988  
Violation of division (A)(3), (4), or (5) of this section is a 13989  
misdemeanor of the first degree. 13990

(F) It is not a violation of this section for a prosecuting 13991  
attorney to appoint assistants and employees in accordance with 13992  
sections 309.06 and 2921.421 of the Revised Code, for a chief 13993  
legal officer of a municipal corporation or an official designated 13994  
as prosecutor in a municipal corporation to appoint assistants and 13995  
employees in accordance with sections 733.621 and 2921.421 of the 13996  
Revised Code, or for a township law director appointed under 13997  
section 504.15 of the Revised Code to appoint assistants and 13998  
employees in accordance with sections 504.151 and 2921.421 of the 13999  
Revised Code. 14000

~~(F)~~(G) This section does not apply to a public contract in 14001  
which a township trustee in a township with a population of five 14002  
thousand or less in its unincorporated area, a member of the 14003  
township trustee's family, or one of ~~his~~ the township trustee's 14004  
business associates has an interest, if all of the following 14005  
apply: 14006

(1) The subject of the public contract is necessary supplies 14007  
or services for the township and the amount of the contract is 14008  
less than five thousand dollars per year; 14009

(2) The supplies or services are being furnished to the 14010  
township as part of a continuing course of dealing established 14011  
before the township trustee held that office with the township; 14012

(3) The treatment accorded the township is either 14013  
preferential to or the same as that accorded other customers or 14014  
clients in similar transactions; 14015

(4) The entire transaction is conducted with full knowledge 14016  
by the township of the interest of the township trustee, member of 14017  
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 14018  
business associate. 14019

~~(G)~~(H) Any public contract in which a public official, a 14020  
member of the public official's family, or any of the public 14021  
official's business associates has an interest in violation of 14022  
this section is void and unenforceable. Any contract securing the 14023  
investment of public funds in which a public official, a member of 14024  
the public official's family, or any of the public official's 14025  
business associates has an interest, is an underwriter, or 14026  
receives any brokerage, origination, or servicing fees and that 14027  
was entered into in violation of this section is void and 14028  
unenforceable. 14029

(I) As used in this section: 14030

(1) "Public contract" means any of the following: 14031

(a) The purchase or acquisition, or a contract for the 14032  
purchase or acquisition, of property or services by or for the use 14033  
of the state, any of its political subdivisions, or any agency or 14034  
instrumentality of either, including the employment of an 14035  
individual by the state, any of its political subdivisions, or any 14036  
agency or instrumentality of either; 14037

(b) A contract for the design, construction, alteration, 14038  
repair, or maintenance of any public property. 14039

(2) "Chief legal officer" has the same meaning as in section 14040  
733.621 of the Revised Code. 14041

**Sec. 2927.023.** (A) As used in this section "authorized 14042

recipient of tobacco products" means a person who is:	14043
(1) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;	14044 14045
(2) Licensed as a <del>distributor of tobacco products under section 5743.61 of the Revised Code</del> <u>retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;</u>	14046 14047 14048 14049
(3) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	14050 14051
(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	14052 14053
(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	14054 14055
(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	14056 14057
(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	14058 14059
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.	14060 14061 14062 14063
(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.	14064 14065 14066
(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	14067 14068 14069 14070 14071 14072

person to whom the cigarettes were delivered was not an authorized 14073  
recipient of tobacco products. 14074

(C) No person engaged in the business of selling cigarettes 14075  
who ships or causes to be shipped cigarettes to any person in this 14076  
state in any container or wrapping other than the original 14077  
container or wrapping of the cigarettes shall fail to plainly and 14078  
visibly mark the exterior of the container or wrapping in which 14079  
the cigarettes are shipped with the words "cigarettes." 14080

(D) A court shall impose a fine of up to one thousand dollars 14081  
for each violation of division (B)(1), (B)(2), or (C) of this 14082  
section. 14083

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 14084  
deputy marshal, municipal police officer, township constable, 14085  
police officer of a township or joint township police district, 14086  
member of a police force employed by a metropolitan housing 14087  
authority under division (D) of section 3735.31 of the Revised 14088  
Code, member of a police force employed by a regional transit 14089  
authority under division (Y) of section 306.35 of the Revised 14090  
Code, state university law enforcement officer appointed under 14091  
section 3345.04 of the Revised Code, veterans' home police officer 14092  
appointed under section 5907.02 of the Revised Code, special 14093  
police officer employed by a port authority under section 4582.04 14094  
or 4582.28 of the Revised Code, or a special police officer 14095  
employed by a municipal corporation at a municipal airport, or 14096  
other municipal air navigation facility, that has scheduled 14097  
operations, as defined in section 119.3 of Title 14 of the Code of 14098  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 14099  
required to be under a security program and is governed by 14100  
aviation security rules of the transportation security 14101  
administration of the United States department of transportation 14102  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 14103

Federal Regulations, as amended, shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) 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 shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's or individual's territorial jurisdiction, a law of this state.

(3) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (D)(1)(a) of section 101.311 of the Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(B)(1) When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Revised Code, the offense of

public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the

interstate compact on mental health appointed under section 14168  
5119.51 of the Revised Code alleging that a person who had been 14169  
hospitalized, institutionalized, or confined in any facility under 14170  
an order made pursuant to or under authority of section 2945.37, 14171  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 14172  
Revised Code has escaped from the facility, from confinement in a 14173  
vehicle for transportation to or from the facility, or from 14174  
supervision by an employee of the facility that is incidental to 14175  
hospitalization, institutionalization, or confinement in the 14176  
facility and that occurs outside of the facility, in violation of 14177  
section 2921.34 of the Revised Code; 14178

(c) A written statement by the administrator of any facility 14179  
in which a person has been hospitalized, institutionalized, or 14180  
confined under an order made pursuant to or under authority of 14181  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14182  
2945.402 of the Revised Code alleging that the person has escaped 14183  
from the facility, from confinement in a vehicle for 14184  
transportation to or from the facility, or from supervision by an 14185  
employee of the facility that is incidental to hospitalization, 14186  
institutionalization, or confinement in the facility and that 14187  
occurs outside of the facility, in violation of section 2921.34 of 14188  
the Revised Code. 14189

(3)(a) For purposes of division (B)(1) of this section, a 14190  
peace officer described in division (A) of this section has 14191  
reasonable grounds to believe that the offense of domestic 14192  
violence or the offense of violating a protection order has been 14193  
committed and reasonable cause to believe that a particular person 14194  
is guilty of committing the offense if any of the following 14195  
occurs: 14196

(i) A person executes a written statement alleging that the 14197  
person in question has committed the offense of domestic violence 14198  
or the offense of violating a protection order against the person 14199

who executes the statement or against a child of the person who 14200  
executes the statement. 14201

(ii) No written statement of the type described in division 14202  
(B)(3)(a)(i) of this section is executed, but the peace officer, 14203  
based upon the peace officer's own knowledge and observation of 14204  
the facts and circumstances of the alleged incident of the offense 14205  
of domestic violence or the alleged incident of the offense of 14206  
violating a protection order or based upon any other information, 14207  
including, but not limited to, any reasonably trustworthy 14208  
information given to the peace officer by the alleged victim of 14209  
the alleged incident of the offense or any witness of the alleged 14210  
incident of the offense, concludes that there are reasonable 14211  
grounds to believe that the offense of domestic violence or the 14212  
offense of violating a protection order has been committed and 14213  
reasonable cause to believe that the person in question is guilty 14214  
of committing the offense. 14215

(iii) No written statement of the type described in division 14216  
(B)(3)(a)(i) of this section is executed, but the peace officer 14217  
witnessed the person in question commit the offense of domestic 14218  
violence or the offense of violating a protection order. 14219

(b) If pursuant to division (B)(3)(a) of this section a peace 14220  
officer has reasonable grounds to believe that the offense of 14221  
domestic violence or the offense of violating a protection order 14222  
has been committed and reasonable cause to believe that a 14223  
particular person is guilty of committing the offense, it is the 14224  
preferred course of action in this state that the officer arrest 14225  
and detain that person pursuant to division (B)(1) of this section 14226  
until a warrant can be obtained. 14227

If pursuant to division (B)(3)(a) of this section a peace 14228  
officer has reasonable grounds to believe that the offense of 14229  
domestic violence or the offense of violating a protection order 14230  
has been committed and reasonable cause to believe that family or 14231



household members have committed the offense against each other, 14232  
it is the preferred course of action in this state that the 14233  
officer, pursuant to division (B)(1) of this section, arrest and 14234  
detain until a warrant can be obtained the family or household 14235  
member who committed the offense and whom the officer has 14236  
reasonable cause to believe is the primary physical aggressor. 14237  
There is no preferred course of action in this state regarding any 14238  
other family or household member who committed the offense and 14239  
whom the officer does not have reasonable cause to believe is the 14240  
primary physical aggressor, but, pursuant to division (B)(1) of 14241  
this section, the peace officer may arrest and detain until a 14242  
warrant can be obtained any other family or household member who 14243  
committed the offense and whom the officer does not have 14244  
reasonable cause to believe is the primary physical aggressor. 14245

(c) If a peace officer described in division (A) of this 14246  
section does not arrest and detain a person whom the officer has 14247  
reasonable cause to believe committed the offense of domestic 14248  
violence or the offense of violating a protection order when it is 14249  
the preferred course of action in this state pursuant to division 14250  
(B)(3)(b) of this section that the officer arrest that person, the 14251  
officer shall articulate in the written report of the incident 14252  
required by section 2935.032 of the Revised Code a clear statement 14253  
of the officer's reasons for not arresting and detaining that 14254  
person until a warrant can be obtained. 14255

(d) In determining for purposes of division (B)(3)(b) of this 14256  
section which family or household member is the primary physical 14257  
aggressor in a situation in which family or household members have 14258  
committed the offense of domestic violence or the offense of 14259  
violating a protection order against each other, a peace officer 14260  
described in division (A) of this section, in addition to any 14261  
other relevant circumstances, should consider all of the 14262  
following: 14263

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;	14264 14265 14266
(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;	14267 14268
(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;	14269 14270 14271 14272
(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.	14273 14274
(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.	14275 14276 14277 14278 14279 14280 14281
(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	14282 14283 14284 14285 14286 14287 14288 14289 14290 14291 14292 14293 14294

wishes, shall consider all facts and circumstances that are 14295  
relevant to the offense, including, but not limited to, the 14296  
statements and observations of the peace officers who responded to 14297  
the incident that resulted in the arrest or filing of the charges 14298  
and of all witnesses to that incident. 14299

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 14300  
this section whether to arrest a person pursuant to division 14301  
(B)(1) of this section, a peace officer described in division (A) 14302  
of this section shall not consider as a factor any possible 14303  
shortage of cell space at the detention facility to which the 14304  
person will be taken subsequent to the person's arrest or any 14305  
possibility that the person's arrest might cause, contribute to, 14306  
or exacerbate overcrowding at that detention facility or at any 14307  
other detention facility. 14308

(g) If a peace officer described in division (A) of this 14309  
section intends pursuant to divisions (B)(3)(a) to (g) of this 14310  
section to arrest a person pursuant to division (B)(1) of this 14311  
section and if the officer is unable to do so because the person 14312  
is not present, the officer promptly shall seek a warrant for the 14313  
arrest of the person. 14314

(h) If a peace officer described in division (A) of this 14315  
section responds to a report of an alleged incident of the offense 14316  
of domestic violence or an alleged incident of the offense of 14317  
violating a protection order and if the circumstances of the 14318  
incident involved the use or threatened use of a deadly weapon or 14319  
any person involved in the incident brandished a deadly weapon 14320  
during or in relation to the incident, the deadly weapon that was 14321  
used, threatened to be used, or brandished constitutes contraband, 14322  
and, to the extent possible, the officer shall seize the deadly 14323  
weapon as contraband pursuant to Chapter 2981. of the Revised 14324  
Code. Upon the seizure of a deadly weapon pursuant to division 14325  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 14326

shall apply regarding the treatment and disposition of the deadly 14327  
weapon. For purposes of that section, the "underlying criminal 14328  
offense" that was the basis of the seizure of a deadly weapon 14329  
under division (B)(3)(h) of this section and to which the deadly 14330  
weapon had a relationship is any of the following that is 14331  
applicable: 14332

(i) The alleged incident of the offense of domestic violence 14333  
or the alleged incident of the offense of violating a protection 14334  
order to which the officer who seized the deadly weapon responded; 14335

(ii) Any offense that arose out of the same facts and 14336  
circumstances as the report of the alleged incident of the offense 14337  
of domestic violence or the alleged incident of the offense of 14338  
violating a protection order to which the officer who seized the 14339  
deadly weapon responded. 14340

(4) If, in the circumstances described in divisions (B)(3)(a) 14341  
to (g) of this section, a peace officer described in division (A) 14342  
of this section arrests and detains a person pursuant to division 14343  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 14344  
this section, a peace officer described in division (A) of this 14345  
section seizes a deadly weapon, the officer, to the extent 14346  
described in and in accordance with section 9.86 or 2744.03 of the 14347  
Revised Code, is immune in any civil action for damages for 14348  
injury, death, or loss to person or property that arises from or 14349  
is related to the arrest and detention or the seizure. 14350

(C) When there is reasonable ground to believe that a 14351  
violation of division (A)(1), (2), (3), (4), or (5) of section 14352  
4506.15 or a violation of section 4511.19 of the Revised Code has 14353  
been committed by a person operating a motor vehicle subject to 14354  
regulation by the public utilities commission of Ohio under Title 14355  
XLIX of the Revised Code, a peace officer with authority to 14356  
enforce that provision of law may stop or detain the person whom 14357  
the officer has reasonable cause to believe was operating the 14358

motor vehicle in violation of the division or section and, after 14359  
investigating the circumstances surrounding the operation of the 14360  
vehicle, may arrest and detain the person. 14361

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 14362  
municipal police officer, member of a police force employed by a 14363  
metropolitan housing authority under division (D) of section 14364  
3735.31 of the Revised Code, member of a police force employed by 14365  
a regional transit authority under division (Y) of section 306.35 14366  
of the Revised Code, special police officer employed by a port 14367  
authority under section 4582.04 or 4582.28 of the Revised Code, 14368  
special police officer employed by a municipal corporation at a 14369  
municipal airport or other municipal air navigation facility 14370  
described in division (A) of this section, township constable, 14371  
police officer of a township or joint township police district, 14372  
state university law enforcement officer appointed under section 14373  
3345.04 of the Revised Code, peace officer of the department of 14374  
natural resources, individual designated to perform law 14375  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 14376  
the Revised Code, the house sergeant at arms if the house sergeant 14377  
at arms has arrest authority pursuant to division (E)(1) of 14378  
section 101.311 of the Revised Code, or an assistant house 14379  
sergeant at arms is authorized by division (A) or (B) of this 14380  
section to arrest and detain, within the limits of the political 14381  
subdivision, metropolitan housing authority housing project, 14382  
regional transit authority facilities or those areas of a 14383  
municipal corporation that have been agreed to by a regional 14384  
transit authority and a municipal corporation located within its 14385  
territorial jurisdiction, port authority, municipal airport or 14386  
other municipal air navigation facility, college, or university in 14387  
which the officer is appointed, employed, or elected or within the 14388  
limits of the territorial jurisdiction of the peace officer, a 14389  
person until a warrant can be obtained, the peace officer, outside 14390  
the limits of that territory, may pursue, arrest, and detain that 14391

person until a warrant can be obtained if all of the following 14392  
apply: 14393

(1) The pursuit takes place without unreasonable delay after 14394  
the offense is committed; 14395

(2) The pursuit is initiated within the limits of the 14396  
political subdivision, metropolitan housing authority housing 14397  
project, regional transit authority facilities or those areas of a 14398  
municipal corporation that have been agreed to by a regional 14399  
transit authority and a municipal corporation located within its 14400  
territorial jurisdiction, port authority, municipal airport or 14401  
other municipal air navigation facility, college, or university in 14402  
which the peace officer is appointed, employed, or elected or 14403  
within the limits of the territorial jurisdiction of the peace 14404  
officer; 14405

(3) The offense involved is a felony, a misdemeanor of the 14406  
first degree or a substantially equivalent municipal ordinance, a 14407  
misdemeanor of the second degree or a substantially equivalent 14408  
municipal ordinance, or any offense for which points are 14409  
chargeable pursuant to section 4510.036 of the Revised Code. 14410

(E) In addition to the authority granted under division (A) 14411  
or (B) of this section: 14412

(1) A sheriff or deputy sheriff may arrest and detain, until 14413  
a warrant can be obtained, any person found violating section 14414  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 14415  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 14416  
portion of any street or highway that is located immediately 14417  
adjacent to the boundaries of the county in which the sheriff or 14418  
deputy sheriff is elected or appointed. 14419

(2) A member of the police force of a township police 14420  
district created under section 505.48 of the Revised Code, a 14421  
member of the police force of a joint township police district 14422

created under section 505.481 of the Revised Code, or a township 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 14455  
arrest and detain, until a warrant can be obtained, any person 14456  
found violating any section or chapter of the Revised Code listed 14457  
in division (E)(1) of this section, other than sections 4513.33 14458  
and 4513.34 of the Revised Code, on the portion of any street or 14459  
highway that is located immediately adjacent to the boundaries of 14460  
the lands and waters that constitute the territorial jurisdiction 14461  
of the peace officer. 14462

(F)(1) A department of mental health special police officer 14463  
or a department of mental retardation and developmental 14464  
disabilities special police officer may arrest without a warrant 14465  
and detain until a warrant can be obtained any person found 14466  
committing on the premises of any institution under the 14467  
jurisdiction of the particular department a misdemeanor under a 14468  
law of the state. 14469

A department of mental health special police officer or a 14470  
department of mental retardation and developmental disabilities 14471  
special police officer may arrest without a warrant and detain 14472  
until a warrant can be obtained any person who has been 14473  
hospitalized, institutionalized, or confined in an institution 14474  
under the jurisdiction of the particular department pursuant to or 14475  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14476  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 14477  
found committing on the premises of any institution under the 14478  
jurisdiction of the particular department a violation of section 14479  
2921.34 of the Revised Code that involves an escape from the 14480  
premises of the institution. 14481

(2)(a) If a department of mental health special police 14482  
officer or a department of mental retardation and developmental 14483  
disabilities special police officer finds any person who has been 14484  
hospitalized, institutionalized, or confined in an institution 14485  
under the jurisdiction of the particular department pursuant to or 14486



under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14487  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 14488  
violation of section 2921.34 of the Revised Code that involves an 14489  
escape from the premises of the institution, or if there is 14490  
reasonable ground to believe that a violation of section 2921.34 14491  
of the Revised Code has been committed that involves an escape 14492  
from the premises of an institution under the jurisdiction of the 14493  
department of mental health or the department of mental 14494  
retardation and developmental disabilities and if a department of 14495  
mental health special police officer or a department of mental 14496  
retardation and developmental disabilities special police officer 14497  
has reasonable cause to believe that a particular person who has 14498  
been hospitalized, institutionalized, or confined in the 14499  
institution pursuant to or under authority of section 2945.37, 14500  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 14501  
Revised Code is guilty of the violation, the special police 14502  
officer, outside of the premises of the institution, may pursue, 14503  
arrest, and detain that person for that violation of section 14504  
2921.34 of the Revised Code, until a warrant can be obtained, if 14505  
both of the following apply: 14506

(i) The pursuit takes place without unreasonable delay after 14507  
the offense is committed; 14508

(ii) The pursuit is initiated within the premises of the 14509  
institution from which the violation of section 2921.34 of the 14510  
Revised Code occurred. 14511

(b) For purposes of division (F)(2)(a) of this section, the 14512  
execution of a written statement by the administrator of the 14513  
institution in which a person had been hospitalized, 14514  
institutionalized, or confined pursuant to or under authority of 14515  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14516  
2945.402 of the Revised Code alleging that the person has escaped 14517  
from the premises of the institution in violation of section 14518

2921.34 of the Revised Code constitutes reasonable ground to 14519  
believe that the violation was committed and reasonable cause to 14520  
believe that the person alleged in the statement to have committed 14521  
the offense is guilty of the violation. 14522

(G) As used in this section: 14523

(1) A "department of mental health special police officer" 14524  
means a special police officer of the department of mental health 14525  
designated under section 5119.14 of the Revised Code who is 14526  
certified by the Ohio peace officer training commission under 14527  
section 109.77 of the Revised Code as having successfully 14528  
completed an approved peace officer basic training program. 14529

(2) A "department of mental retardation and developmental 14530  
disabilities special police officer" means a special police 14531  
officer of the department of mental retardation and developmental 14532  
disabilities designated under section 5123.13 of the Revised Code 14533  
who is certified by the Ohio peace officer training council under 14534  
section 109.77 of the Revised Code as having successfully 14535  
completed an approved peace officer basic training program. 14536

(3) "Deadly weapon" has the same meaning as in section 14537  
2923.11 of the Revised Code. 14538

(4) "Family or household member" has the same meaning as in 14539  
section 2919.25 of the Revised Code. 14540

(5) "Street" or "highway" has the same meaning as in section 14541  
4511.01 of the Revised Code. 14542

(6) "Interstate system" has the same meaning as in section 14543  
5516.01 of the Revised Code. 14544

(7) "Peace officer of the department of natural resources" 14545  
means an employee of the department of natural resources who is a 14546  
natural resources law enforcement staff officer designated 14547  
pursuant to section 1501.013 of the Revised Code, a forest officer 14548

designated pursuant to section 1503.29 of the Revised Code, a 14549  
preserve officer designated pursuant to section 1517.10 of the 14550  
Revised Code, a wildlife officer designated pursuant to section 14551  
1531.13 of the Revised Code, a park officer designated pursuant to 14552  
section 1541.10 of the Revised Code, or a state watercraft officer 14553  
designated pursuant to section 1547.521 of the Revised Code. 14554

(8) "Portion of any street or highway" means all lanes of the 14555  
street or highway irrespective of direction of travel, including 14556  
designated turn lanes, and any berm, median, or shoulder. 14557

**Sec. 3109.04.** (A) In any divorce, legal separation, or 14558  
annulment proceeding and in any proceeding pertaining to the 14559  
allocation of parental rights and responsibilities for the care of 14560  
a child, upon hearing the testimony of either or both parents and 14561  
considering any mediation report filed pursuant to section 14562  
3109.052 of the Revised Code and in accordance with sections 14563  
3127.01 to 3127.53 of the Revised Code, the court shall allocate 14564  
the parental rights and responsibilities for the care of the minor 14565  
children of the marriage. Subject to division (D)(2) of this 14566  
section, the court may allocate the parental rights and 14567  
responsibilities for the care of the children in either of the 14568  
following ways: 14569

(1) If neither parent files a pleading or motion in 14570  
accordance with division (G) of this section, if at least one 14571  
parent files a pleading or motion under that division but no 14572  
parent who filed a pleading or motion under that division also 14573  
files a plan for shared parenting, or if at least one parent files 14574  
both a pleading or motion and a shared parenting plan under that 14575  
division but no plan for shared parenting is in the best interest 14576  
of the children, the court, in a manner consistent with the best 14577  
interest of the children, shall allocate the parental rights and 14578  
responsibilities for the care of the children primarily to one of 14579

the parents, designate that parent as the residential parent and 14580  
the legal custodian of the child, and divide between the parents 14581  
the other rights and responsibilities for the care of the 14582  
children, including, but not limited to, the responsibility to 14583  
provide support for the children and the right of the parent who 14584  
is not the residential parent to have continuing contact with the 14585  
children. 14586

(2) If at least one parent files a pleading or motion in 14587  
accordance with division (G) of this section and a plan for shared 14588  
parenting pursuant to that division and if a plan for shared 14589  
parenting is in the best interest of the children and is approved 14590  
by the court in accordance with division (D)(1) of this section, 14591  
the court may allocate the parental rights and responsibilities 14592  
for the care of the children to both parents and issue a shared 14593  
parenting order requiring the parents to share all or some of the 14594  
aspects of the physical and legal care of the children in 14595  
accordance with the approved plan for shared parenting. If the 14596  
court issues a shared parenting order under this division and it 14597  
is necessary for the purpose of receiving public assistance, the 14598  
court shall designate which one of the parents' residences is to 14599  
serve as the child's home. The child support obligations of the 14600  
parents under a shared parenting order issued under this division 14601  
shall be determined in accordance with Chapters 3119., 3121., 14602  
3123., and 3125. of the Revised Code. 14603

(B)(1) When making the allocation of the parental rights and 14604  
responsibilities for the care of the children under this section 14605  
in an original proceeding or in any proceeding for modification of 14606  
a prior order of the court making the allocation, the court shall 14607  
take into account that which would be in the best interest of the 14608  
children. In determining the child's best interest for purposes of 14609  
making its allocation of the parental rights and responsibilities 14610  
for the care of the child and for purposes of resolving any issues 14611

related to the making of that allocation, the court, in its 14612  
discretion, may and, upon the request of either party, shall 14613  
interview in chambers any or all of the involved children 14614  
regarding their wishes and concerns with respect to the 14615  
allocation. 14616

(2) If the court interviews any child pursuant to division 14617  
(B)(1) of this section, all of the following apply: 14618

(a) The court, in its discretion, may and, upon the motion of 14619  
either parent, shall appoint a guardian ad litem for the child. 14620

(b) The court first shall determine the reasoning ability of 14621  
the child. If the court determines that the child does not have 14622  
sufficient reasoning ability to express the child's wishes and 14623  
concern with respect to the allocation of parental rights and 14624  
responsibilities for the care of the child, it shall not determine 14625  
the child's wishes and concerns with respect to the allocation. If 14626  
the court determines that the child has sufficient reasoning 14627  
ability to express the child's wishes or concerns with respect to 14628  
the allocation, it then shall determine whether, because of 14629  
special circumstances, it would not be in the best interest of the 14630  
child to determine the child's wishes and concerns with respect to 14631  
the allocation. If the court determines that, because of special 14632  
circumstances, it would not be in the best interest of the child 14633  
to determine the child's wishes and concerns with respect to the 14634  
allocation, it shall not determine the child's wishes and concerns 14635  
with respect to the allocation and shall enter its written 14636  
findings of fact and opinion in the journal. If the court 14637  
determines that it would be in the best interests of the child to 14638  
determine the child's wishes and concerns with respect to the 14639  
allocation, it shall proceed to make that determination. 14640

(c) The interview shall be conducted in chambers, and no 14641  
person other than the child, the child's attorney, the judge, any 14642  
necessary court personnel, and, in the judge's discretion, the 14643

attorney of each parent shall be permitted to be present in the chambers during the interview.

(3) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. No court, in determining the child's best interest for purposes of making its allocation of the parental rights and responsibilities for the care of the child or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.

(C) Prior to trial, the court may cause an investigation to be made as to the character, family relations, past conduct, earning ability, and financial worth of each parent and may order the parents and their minor children to submit to medical, psychological, and psychiatric examinations. The report of the investigation and examinations shall be made available to either parent or the parent's counsel of record not less than five days before trial, upon written request. The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by either parent concerning the contents of the report. The court may tax as costs all or any part of the expenses for each investigation.

If the court determines that either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being a neglected child, that either parent previously has been determined to be the perpetrator of the neglectful act that is the basis of an adjudication that a child is a neglected child, or that there is reason to believe that either parent has acted in a manner resulting in a child being a neglected child, the court shall

consider that fact against naming that parent the residential 14676  
parent and against granting a shared parenting decree. When the 14677  
court allocates parental rights and responsibilities for the care 14678  
of children or determines whether to grant shared parenting in any 14679  
proceeding, it shall consider whether either parent or any member 14680  
of the household of either parent has been convicted of or pleaded 14681  
guilty to a violation of section 2919.25 of the Revised Code or a 14682  
sexually oriented offense involving a victim who at the time of 14683  
the commission of the offense was a member of the family or 14684  
household that is the subject of the proceeding, has been 14685  
convicted of or pleaded guilty to any sexually oriented offense or 14686  
other offense involving a victim who at the time of the commission 14687  
of the offense was a member of the family or household that is the 14688  
subject of the proceeding and caused physical harm to the victim 14689  
in the commission of the offense, or has been determined to be the 14690  
perpetrator of the abusive act that is the basis of an 14691  
adjudication that a child is an abused child. If the court 14692  
determines that either parent has been convicted of or pleaded 14693  
guilty to a violation of section 2919.25 of the Revised Code or a 14694  
sexually oriented offense involving a victim who at the time of 14695  
the commission of the offense was a member of the family or 14696  
household that is the subject of the proceeding, has been 14697  
convicted of or pleaded guilty to any sexually oriented offense or 14698  
other offense involving a victim who at the time of the commission 14699  
of the offense was a member of the family or household that is the 14700  
subject of the proceeding and caused physical harm to the victim 14701  
in the commission of the offense, or has been determined to be the 14702  
perpetrator of the abusive act that is the basis of an 14703  
adjudication that a child is an abused child, it may designate 14704  
that parent as the residential parent and may issue a shared 14705  
parenting decree or order only if it determines that it is in the 14706  
best interest of the child to name that parent the residential 14707  
parent or to issue a shared parenting decree or order and it makes 14708

specific written findings of fact to support its determination. 14709

(D)(1)(a) Upon the filing of a pleading or motion by either 14710  
parent or both parents, in accordance with division (G) of this 14711  
section, requesting shared parenting and the filing of a shared 14712  
parenting plan in accordance with that division, the court shall 14713  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 14714  
whichever is applicable: 14715

(i) If both parents jointly make the request in their 14716  
pleadings or jointly file the motion and also jointly file the 14717  
plan, the court shall review the parents' plan to determine if it 14718  
is in the best interest of the children. If the court determines 14719  
that the plan is in the best interest of the children, the court 14720  
shall approve it. If the court determines that the plan or any 14721  
part of the plan is not in the best interest of the children, the 14722  
court shall require the parents to make appropriate changes to the 14723  
plan to meet the court's objections to it. If changes to the plan 14724  
are made to meet the court's objections, and if the new plan is in 14725  
the best interest of the children, the court shall approve the 14726  
plan. If changes to the plan are not made to meet the court's 14727  
objections, or if the parents attempt to make changes to the plan 14728  
to meet the court's objections, but the court determines that the 14729  
new plan or any part of the new plan still is not in the best 14730  
interest of the children, the court may reject the portion of the 14731  
parents' pleadings or deny their motion requesting shared 14732  
parenting of the children and proceed as if the request in the 14733  
pleadings or the motion had not been made. The court shall not 14734  
approve a plan under this division unless it determines that the 14735  
plan is in the best interest of the children. 14736

(ii) If each parent makes a request in the parent's pleadings 14737  
or files a motion and each also files a separate plan, the court 14738  
shall review each plan filed to determine if either is in the best 14739  
interest of the children. If the court determines that one of the 14740



filed plans is in the best interest of the children, the court may 14741  
approve the plan. If the court determines that neither filed plan 14742  
is in the best interest of the children, the court may order each 14743  
parent to submit appropriate changes to the parent's plan or both 14744  
of the filed plans to meet the court's objections, or may select 14745  
one of the filed plans and order each parent to submit appropriate 14746  
changes to the selected plan to meet the court's objections. If 14747  
changes to the plan or plans are submitted to meet the court's 14748  
objections, and if any of the filed plans with the changes is in 14749  
the best interest of the children, the court may approve the plan 14750  
with the changes. If changes to the plan or plans are not 14751  
submitted to meet the court's objections, or if the parents submit 14752  
changes to the plan or plans to meet the court's objections but 14753  
the court determines that none of the filed plans with the 14754  
submitted changes is in the best interest of the children, the 14755  
court may reject the portion of the parents' pleadings or deny 14756  
their motions requesting shared parenting of the children and 14757  
proceed as if the requests in the pleadings or the motions had not 14758  
been made. If the court approves a plan under this division, 14759  
either as originally filed or with submitted changes, or if the 14760  
court rejects the portion of the parents' pleadings or denies 14761  
their motions requesting shared parenting under this division and 14762  
proceeds as if the requests in the pleadings or the motions had 14763  
not been made, the court shall enter in the record of the case 14764  
findings of fact and conclusions of law as to the reasons for the 14765  
approval or the rejection or denial. Division (D)(1)(b) of this 14766  
section applies in relation to the approval or disapproval of a 14767  
plan under this division. 14768

(iii) If each parent makes a request in the parent's 14769  
pleadings or files a motion but only one parent files a plan, or 14770  
if only one parent makes a request in the parent's pleadings or 14771  
files a motion and also files a plan, the court in the best 14772  
interest of the children may order the other parent to file a plan 14773

for shared parenting in accordance with division (G) of this 14774  
section. The court shall review each plan filed to determine if 14775  
any plan is in the best interest of the children. If the court 14776  
determines that one of the filed plans is in the best interest of 14777  
the children, the court may approve the plan. If the court 14778  
determines that no filed plan is in the best interest of the 14779  
children, the court may order each parent to submit appropriate 14780  
changes to the parent's plan or both of the filed plans to meet 14781  
the court's objections or may select one filed plan and order each 14782  
parent to submit appropriate changes to the selected plan to meet 14783  
the court's objections. If changes to the plan or plans are 14784  
submitted to meet the court's objections, and if any of the filed 14785  
plans with the changes is in the best interest of the children, 14786  
the court may approve the plan with the changes. If changes to the 14787  
plan or plans are not submitted to meet the court's objections, or 14788  
if the parents submit changes to the plan or plans to meet the 14789  
court's objections but the court determines that none of the filed 14790  
plans with the submitted changes is in the best interest of the 14791  
children, the court may reject the portion of the parents' 14792  
pleadings or deny the parents' motion or reject the portion of the 14793  
parents' pleadings or deny their motions requesting shared 14794  
parenting of the children and proceed as if the request or 14795  
requests or the motion or motions had not been made. If the court 14796  
approves a plan under this division, either as originally filed or 14797  
with submitted changes, or if the court rejects the portion of the 14798  
pleadings or denies the motion or motions requesting shared 14799  
parenting under this division and proceeds as if the request or 14800  
requests or the motion or motions had not been made, the court 14801  
shall enter in the record of the case findings of fact and 14802  
conclusions of law as to the reasons for the approval or the 14803  
rejection or denial. Division (D)(1)(b) of this section applies in 14804  
relation to the approval or disapproval of a plan under this 14805  
division. 14806

(b) The approval of a plan under division (D)(1)(a)(ii) or 14807  
(iii) of this section is discretionary with the court. The court 14808  
shall not approve more than one plan under either division and 14809  
shall not approve a plan under either division unless it 14810  
determines that the plan is in the best interest of the children. 14811  
If the court, under either division, does not determine that any 14812  
filed plan or any filed plan with submitted changes is in the best 14813  
interest of the children, the court shall not approve any plan. 14814

(c) Whenever possible, the court shall require that a shared 14815  
parenting plan approved under division (D)(1)(a)(i), (ii), or 14816  
(iii) of this section ensure the opportunity for both parents to 14817  
have frequent and continuing contact with the child, unless 14818  
frequent and continuing contact with any parent would not be in 14819  
the best interest of the child. 14820

(d) If a court approves a shared parenting plan under 14821  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 14822  
approved plan shall be incorporated into a final shared parenting 14823  
decree granting the parents the shared parenting of the children. 14824  
Any final shared parenting decree shall be issued at the same time 14825  
as and shall be appended to the final decree of dissolution, 14826  
divorce, annulment, or legal separation arising out of the action 14827  
out of which the question of the allocation of parental rights and 14828  
responsibilities for the care of the children arose. 14829

No provisional shared parenting decree shall be issued in 14830  
relation to any shared parenting plan approved under division 14831  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 14832  
parenting decree issued under this division has immediate effect 14833  
as a final decree on the date of its issuance, subject to 14834  
modification or termination as authorized by this section. 14835

(2) If the court finds, with respect to any child under 14836  
eighteen years of age, that it is in the best interest of the 14837  
child for neither parent to be designated the residential parent 14838

and legal custodian of the child, it may commit the child to a 14839  
relative of the child or certify a copy of its findings, together 14840  
with as much of the record and the further information, in 14841  
narrative form or otherwise, that it considers necessary or as the 14842  
juvenile court requests, to the juvenile court for further 14843  
proceedings, and, upon the certification, the juvenile court has 14844  
exclusive jurisdiction. 14845

(E)(1)(a) The court shall not modify a prior decree 14846  
allocating parental rights and responsibilities for the care of 14847  
children unless it finds, based on facts that have arisen since 14848  
the prior decree or that were unknown to the court at the time of 14849  
the prior decree, that a change has occurred in the circumstances 14850  
of the child, the child's residential parent, or either of the 14851  
parents subject to a shared parenting decree, and that the 14852  
modification is necessary to serve the best interest of the child. 14853  
In applying these standards, the court shall retain the 14854  
residential parent designated by the prior decree or the prior 14855  
shared parenting decree, unless a modification is in the best 14856  
interest of the child and one of the following applies: 14857

(i) The residential parent agrees to a change in the 14858  
residential parent or both parents under a shared parenting decree 14859  
agree to a change in the designation of residential parent. 14860

(ii) The child, with the consent of the residential parent or 14861  
of both parents under a shared parenting decree, has been 14862  
integrated into the family of the person seeking to become the 14863  
residential parent. 14864

(iii) The harm likely to be caused by a change of environment 14865  
is outweighed by the advantages of the change of environment to 14866  
the child. 14867

(b) One or both of the parents under a prior decree 14868  
allocating parental rights and responsibilities for the care of 14869

children that is not a shared parenting decree may file a motion 14870  
requesting that the prior decree be modified to give both parents 14871  
shared rights and responsibilities for the care of the children. 14872  
The motion shall include both a request for modification of the 14873  
prior decree and a request for a shared parenting order that 14874  
complies with division (G) of this section. Upon the filing of the 14875  
motion, if the court determines that a modification of the prior 14876  
decree is authorized under division (E)(1)(a) of this section, the 14877  
court may modify the prior decree to grant a shared parenting 14878  
order, provided that the court shall not modify the prior decree 14879  
to grant a shared parenting order unless the court complies with 14880  
divisions (A) and (D)(1) of this section and, in accordance with 14881  
those divisions, approves the submitted shared parenting plan and 14882  
determines that shared parenting would be in the best interest of 14883  
the children. 14884

(2) In addition to a modification authorized under division 14885  
(E)(1) of this section: 14886

(a) Both parents under a shared parenting decree jointly may 14887  
modify the terms of the plan for shared parenting approved by the 14888  
court and incorporated by it into the shared parenting decree. 14889  
Modifications under this division may be made at any time. The 14890  
modifications to the plan shall be filed jointly by both parents 14891  
with the court, and the court shall include them in the plan, 14892  
unless they are not in the best interest of the children. If the 14893  
modifications are not in the best interests of the children, the 14894  
court, in its discretion, may reject the modifications or make 14895  
modifications to the proposed modifications or the plan that are 14896  
in the best interest of the children. Modifications jointly 14897  
submitted by both parents under a shared parenting decree shall be 14898  
effective, either as originally filed or as modified by the court, 14899  
upon their inclusion by the court in the plan. Modifications to 14900  
the plan made by the court shall be effective upon their inclusion 14901

by the court in the plan. 14902

(b) The court may modify the terms of the plan for shared 14903  
parenting approved by the court and incorporated by it into the 14904  
shared parenting decree upon its own motion at any time if the 14905  
court determines that the modifications are in the best interest 14906  
of the children or upon the request of one or both of the parents 14907  
under the decree. Modifications under this division may be made at 14908  
any time. The court shall not make any modification to the plan 14909  
under this division, unless the modification is in the best 14910  
interest of the children. 14911

(c) The court may terminate a prior final shared parenting 14912  
decree that includes a shared parenting plan approved under 14913  
division (D)(1)(a)(i) of this section upon the request of one or 14914  
both of the parents or whenever it determines that shared 14915  
parenting is not in the best interest of the children. The court 14916  
may terminate a prior final shared parenting decree that includes 14917  
a shared parenting plan approved under division (D)(1)(a)(ii) or 14918  
(iii) of this section if it determines, upon its own motion or 14919  
upon the request of one or both parents, that shared parenting is 14920  
not in the best interest of the children. If modification of the 14921  
terms of the plan for shared parenting approved by the court and 14922  
incorporated by it into the final shared parenting decree is 14923  
attempted under division (E)(2)(a) of this section and the court 14924  
rejects the modifications, it may terminate the final shared 14925  
parenting decree if it determines that shared parenting is not in 14926  
the best interest of the children. 14927

(d) Upon the termination of a prior final shared parenting 14928  
decree under division (E)(2)(c) of this section, the court shall 14929  
proceed and issue a modified decree for the allocation of parental 14930  
rights and responsibilities for the care of the children under the 14931  
standards applicable under divisions (A), (B), and (C) of this 14932  
section as if no decree for shared parenting had been granted and 14933

as if no request for shared parenting ever had been made. 14934

(F)(1) In determining the best interest of a child pursuant 14935  
to this section, whether on an original decree allocating parental 14936  
rights and responsibilities for the care of children or a 14937  
modification of a decree allocating those rights and 14938  
responsibilities, the court shall consider all relevant factors, 14939  
including, but not limited to: 14940

(a) The wishes of the child's parents regarding the child's 14941  
care; 14942

(b) If the court has interviewed the child in chambers 14943  
pursuant to division (B) of this section regarding the child's 14944  
wishes and concerns as to the allocation of parental rights and 14945  
responsibilities concerning the child, the wishes and concerns of 14946  
the child, as expressed to the court; 14947

(c) The child's interaction and interrelationship with the 14948  
child's parents, siblings, and any other person who may 14949  
significantly affect the child's best interest; 14950

(d) The child's adjustment to the child's home, school, and 14951  
community; 14952

(e) The mental and physical health of all persons involved in 14953  
the situation; 14954

(f) The parent more likely to honor and facilitate 14955  
court-approved parenting time rights or visitation and 14956  
companionship rights; 14957

(g) Whether either parent has failed to make all child 14958  
support payments, including all arrearages, that are required of 14959  
that parent pursuant to a child support order under which that 14960  
parent is an obligor; 14961

(h) Whether either parent or any member of the household of 14962  
either parent previously has been convicted of or pleaded guilty 14963

to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.

(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant factors, including, but not limited to, the factors enumerated in division (F)(1) of this section, the factors enumerated in section 3119.23 of the Revised Code, and all of the following factors:

(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children;



(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;	14996 14997 14998
(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent;	14999 15000 15001
(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting;	15002 15003 15004
(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.	15005 15006
(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.	15007 15008 15009
(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	15010 15011 15012 15013 15014 15015 15016 15017 15018 15019 15020 15021 15022 15023 15024 15025 15026

thirty days prior to the hearing on the issue of the parental 15027  
rights and responsibilities for the care of the children. A plan 15028  
for shared parenting shall include provisions covering all factors 15029  
that are relevant to the care of the children, including, but not 15030  
limited to, provisions covering factors such as physical living 15031  
arrangements, child support obligations, provision for the 15032  
children's medical and dental care, school placement, and the 15033  
parent with which the children will be physically located during 15034  
legal holidays, school holidays, and other days of special 15035  
importance. 15036

(H) If an appeal is taken from a decision of a court that 15037  
grants or modifies a decree allocating parental rights and 15038  
responsibilities for the care of children, the court of appeals 15039  
shall give the case calendar priority and handle it expeditiously. 15040

(I) Upon receipt of an order to active military service in 15041  
the uniformed services, a parent who is subject to an order 15042  
allocating parental rights and responsibilities or in relation to 15043  
whom an action to allocate parental rights and responsibilities is 15044  
pending and who is ordered to active military service shall notify 15045  
the other parent who is subject to the order or in relation to 15046  
whom the case is pending of the order to active military service. 15047  
Either parent may apply to the court for a hearing to expedite an 15048  
allocation or modification proceeding. The application shall 15049  
include the date on which the active military service begins. 15050

The court shall schedule a hearing upon receipt of the 15051  
application and hold the hearing not later than thirty days after 15052  
receipt of the application, except that the court shall give the 15053  
case calendar priority and handle the case expeditiously if 15054  
exigent circumstances exist in the case. 15055

The court shall not modify a prior decree allocating parental 15056  
rights and responsibilities unless the court determines by clear 15057  
and convincing evidence that there has been a change in 15058

circumstances of the child, the child's residential parent, or 15059  
either of the parents subject to a shared parenting decree, and 15060  
that modification is necessary to serve the best interest of the 15061  
child. The court shall not consider active military service in the 15062  
uniformed services in determining whether a change in 15063  
circumstances exists under this section. 15064

Nothing in this division shall prevent a court from issuing a 15065  
temporary order allocating or modifying parental rights and 15066  
responsibilities for the duration of the parent's active military 15067  
service. 15068

(J) As used in this section: 15069

(1) "Abused child" has the same meaning as in section 15070  
2151.031 of the Revised Code, ~~and "neglected,"~~ 15071

(2) "Active military service" means the performance of active 15072  
military duty by a member of the uniformed services for a period 15073  
of more than thirty days. 15074

(3) "Neglected child" has the same meaning as in section 15075  
2151.03 of the Revised Code. 15076

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in 15077  
section 2950.01 of the Revised Code. 15078

(5) "Uniformed services" means the United States armed 15079  
forces, army national guard and air national guard when engaged in 15080  
active duty for training, or the commissioned corps of the United 15081  
States public health service. 15082

~~(J)~~(K) As used in the Revised Code, "shared parenting" means 15083  
that the parents share, in the manner set forth in the plan for 15084  
shared parenting that is approved by the court under division 15085  
(D)(1) and described in division ~~(K)~~(L)(6) of this section, all or 15086  
some of the aspects of physical and legal care of their children. 15087

~~(K)~~(L) For purposes of the Revised Code: 15088

(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 15121  
"custody of the child" or "care, custody, and control of the 15122  
child" under the order, to the extent and in the manner specified 15123  
in the order. 15124

(6) Unless the context clearly requires otherwise and except 15125  
as otherwise provided in the order, if an order is issued by a 15126  
court pursuant to this section and the order provides for shared 15127  
parenting of a child, each parent, regardless of where the child 15128  
is physically located or with whom the child is residing at a 15129  
particular point in time, as specified in the order, is the 15130  
"residential parent," the "residential parent and legal 15131  
custodian," or the "custodial parent" of the child. 15132

(7) Unless the context clearly requires otherwise and except 15133  
as otherwise provided in the order, a designation in the order of 15134  
a parent as the residential parent for the purpose of determining 15135  
the school the child attends, as the custodial parent for purposes 15136  
of claiming the child as a dependent pursuant to section 152(e) of 15137  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 15138  
1, as amended, or as the residential parent for purposes of 15139  
receiving public assistance pursuant to division (A)(2) of this 15140  
section, does not affect the designation pursuant to division 15141  
~~(K)~~(L)(6) of this section of each parent as the "residential 15142  
parent," the "residential parent and legal custodian," or the 15143  
"custodial parent" of the child. 15144

~~(L)~~(M) The court shall require each parent of a child to file 15145  
an affidavit attesting as to whether the parent, and the members 15146  
of the parent's household, have been convicted of or pleaded 15147  
guilty to any of the offenses identified in divisions (C) and 15148  
(F)(1)(h) of this section. 15149

**Sec. 3109.041.** (A) Parties to any custody decree issued 15150  
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 15151

~~effective date of this amendment~~ April 11, 1991, may file a motion 15152  
with the court that issued the decree requesting the issuance of a 15153  
shared parenting decree in accordance with division (G) of section 15154  
3109.04 of the Revised Code. Upon the filing of the motion, the 15155  
court shall determine whether to grant the parents shared rights 15156  
and responsibilities for the care of the children in accordance 15157  
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 15158  
of the Revised Code. 15159

(B) A custody decree issued pursuant to section 3109.04 of 15160  
the Revised Code prior to ~~the effective date of this amendment~~ 15161  
April 11, 1991, that granted joint care, custody, and control of 15162  
the children to the parents shall not be affected or invalidated 15163  
by, and shall not be construed as being affected or invalidated 15164  
by, the provisions of section 3109.04 of the Revised Code relative 15165  
to the granting of a shared parenting decree or a decree 15166  
allocating parental rights and responsibilities for the care of 15167  
children on and after ~~the effective date of this amendment~~ April 15168  
11, 1991. The decree issued prior to ~~the effective date of this~~ 15169  
~~amendment~~ April 11, 1991 shall remain in full force and effect, 15170  
subject to modification or termination pursuant to section 3109.04 15171  
of the Revised Code as that section exists on and after ~~the~~ 15172  
~~effective date of this amendment~~ April 11, 1991. 15173

(C) As used in this section, "joint custody" and "joint care, 15174  
custody, and control" have the same meaning as "shared parenting." 15175

**Sec. 3119.022.** When a court or child support enforcement 15176  
agency calculates the amount of child support to be paid pursuant 15177  
to a child support order in a proceeding in which one parent is 15178  
the residential parent and legal custodian of all of the children 15179  
who are the subject of the child support order or in which the 15180  
court issues a shared parenting order, the court or agency shall 15181  
use a worksheet identical in content and form to the following: 15182



(Include in Col. I and/or			15215
Col. II the average of the			15216
three years or the year 1			15217
amount, whichever is less,			15218
if there exists a reasonable			15219
expectation that the total			15220
earnings from overtime and/or			15221
bonuses during the current			15222
calendar year will meet or			15223
exceed the amount that is			15224
the lower of the average			15225
of the three years or the			15226
year 1 amount. If, however,			15227
there exists a reasonable			15228
expectation that the total			15229
earnings from overtime/			15230
bonuses during the current			15231
calendar year will be less			15232
than the lower of the average			15233
of the 3 years or the year 1			15234
amount, include only the			15235
amount reasonably expected			15236
to be earned this year.)...    \$.....    \$.....			15237
			15238
2. For self-employment income:			15239
a. Gross receipts from			15240
business.....    \$.....    \$.....			15241
b. Ordinary and necessary			15242
business expenses.....    \$.....    \$.....			15243
c. 5.6% of adjusted gross			15244
income or the actual			15245
marginal difference between			15246
the actual rate paid by the			15247



self-employed individual			15248
and the F.I.C.A. rate .....	\$.....	\$.....	15249
d. Adjusted gross income from			15250
self-employment (subtract			15251
the sum of 2b and 2c from			15252
2a).....	\$.....	\$.....	15253
			15254
3. Annual income from interest			15255
and dividends (whether or			15256
not taxable).....	\$.....	\$.....	15257
			15258
4. Annual income from			15259
unemployment compensation...	\$.....	\$.....	15260
			15261
5. Annual income from workers'			15262
compensation, disability			15263
insurance benefits, or social			15264
security disability/			15265
retirement benefits.....	\$.....	\$.....	15266
			15267
6. Other annual income			15268
(identify).....	\$.....	\$.....	15269
			15270
7. <u>a.</u> Total annual gross income			15271
(add lines 1a, 1b, 2d, and			15272
3-6).....	\$.....	\$.....	15273
<u>b.</u> <u>Health insurance maximum</u>			15274
<u>(multiply line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	15275
			15276
ADJUSTMENTS TO INCOME:			15277
8. Adjustment for minor children			15278
born to or adopted by either			15279
parent and another parent who			15280

are living with this parent;			15281
adjustment does not apply			15282
to stepchildren (number of			15283
children times federal income			15284
tax exemption less child			15285
support received, not to			15286
exceed the federal tax			15287
exemption).....	\$.....	\$.....	15288
			15289
9. Annual court-ordered support			15290
paid for other children....	\$.....	\$.....	15291
			15292
10. Annual court-ordered spousal			15293
support paid to any spouse			15294
or former spouse.....	\$.....	\$.....	15295
			15296
11. Amount of local income taxes			15297
actually paid or estimated			15298
to be paid.....	\$.....	\$.....	15299
			15300
12. Mandatory work-related			15301
deductions such as union			15302
dues, uniform fees, etc.			15303
(not including taxes, social			15304
security, or retirement)...	\$.....	\$.....	15305
			15306
13. Total gross income			15307
adjustments (add lines			15308
8 through 12).....	\$.....	\$.....	15309
			15310
14.			15311
<u>a.</u> Adjusted annual gross			15312
income (subtract line 13			15313

from line 7a).....	\$.....	\$.....	15314
b. <u>Cash medical support</u>			15315
<u>maximum (If the amount</u>			15316
<u>on line 7a, Col. I, is</u>			15317
<u>under 150% of the federal</u>			15318
<u>poverty level for an</u>			15319
<u>individual, enter \$0 on</u>			15320
<u>line 14b, Col. I. If</u>			15321
<u>the amount on line 7a,</u>			15322
<u>Col. I, is 150% or</u>			15323
<u>higher of the federal</u>			15324
<u>poverty level for an</u>			15325
<u>individual, multiply the</u>			15326
<u>amount on line 14a, Col. I,</u>			15327
<u>by 5% and enter this amount</u>			15328
<u>on line 14b, Col. I.</u>			15329
<u>If the amount on line 7a,</u>			15330
<u>Col. II, is under 150%</u>			15331
<u>of the federal poverty level</u>			15332
<u>for an individual, enter</u>			15333
<u>\$0 on line 14b, Col. II.</u>			15334
<u>If the amount on line 7a,</u>			15335
<u>Col. II, is 150% or higher</u>			15336
<u>of the federal poverty level</u>			15337
<u>for an individual, multiply</u>			15338
<u>the amount on line 14a,</u>			15339
<u>Col. II, by 5% and enter</u>			15340
<u>this amount on line 14b,</u>			15341
<u>Col. II.).....</u>	<u>\$.....</u>	<u>\$.....</u>	15342
			15343
15. Combined annual income that			15344
is basis for child support			15345
order (add line <del>14</del> <u>14a</u> , Col.			15346

I and Col. II) .....	\$.....	15347
		15348
16. Percentage of parent's		15349
income to total income		15350
a. Father (divide line <del>14</del> <u>14a</u> ,		15351
Col. I, by line 15, Col.		15352
III).....%		15353
b. Mother (divide line <del>14</del> <u>14a</u> ,		15354
Col. II, by line 15, Col.		15355
III).....%		15356
		15357
17. Basic combined child		15358
support obligation (refer		15359
to schedule, first column,		15360
locate the amount nearest		15361
to the amount on line 15,		15362
Col. III, then refer to		15363
column for number of		15364
children in this family.		15365
If the income of the		15366
parents is more than one		15367
sum but less than another,		15368
you may calculate the		15369
difference.).....	\$.....	15370
		15371
18. Annual support obligation per parent		15372
a. Father (multiply line 17,		15373
Col. III, by line 16a).....	\$.....	15374
b. Mother (multiply line 17,		15375
Col. III, by line 16b).....	\$.....	15376
		15377
19. Annual child care expenses		15378
for children who are the		15379

subject of this order that			15380
are work-, employment			15381
training-, or education-			15382
related, as approved by			15383
the court or agency			15384
(deduct tax credit from			15385
annual cost, whether or			15386
not claimed).....	\$.....	\$.....	15387
			15388
20.			15389
<u>a.</u> Marginal, out-of-pocket			15390
costs, necessary to provide			15391
for health insurance for			15392
the children who are the			15393
subject of this order			15394
<u>(contributing cost of private</u>			15395
<u>family health insurance,</u>			15396
<u>minus the contributing cost</u>			15397
<u>of private single health</u>			15398
<u>insurance, divided by the</u>			15399
<u>total number of dependents</u>			15400
<u>covered by the plan,</u>			15401
<u>including the children</u>			15402
<u>subject of the support</u>			15403
<u>order, times the number of</u>			15404
<u>children subject of the</u>			15405
<u>support order) .....</u>	\$.....	\$.....	15406
<u>b.</u> <u>Cash medical support</u>			15407
<u>obligation (enter the amount</u>			15408
<u>on line 14b or the amount</u>			15409
<u>of annual health care</u>			15410
<u>expenditures estimated by</u>			15411
<u>the United States Department</u>			15412

<u>of Agriculture and</u>		15413
<u>described in section 3119.30</u>		15414
<u>of the Revised Code,</u>		15415
<u>whichever amount is</u>		15416
<u>lower) .....</u>	\$.....	\$.....
		15417
		15418
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>		15419
<u>PROVIDED:</u>		
Father (only if obligor	Mother (only if obligor	15420
or shared parenting)	or shared parenting)	15421
a. Additions: line 16a	b. Additions: line 16b	15422
times sum of amounts	times sum of amounts	15423
shown on line 19, Col. II	shown on line 19, Col. I	15424
and line <del>20</del> <u>20a</u> , Col. II	and line <del>20</del> <u>20a</u> , Col. I	15425
\$.....	\$.....	15426
c. Subtractions: line 16b	d. Subtractions: line 16a	15427
times sum of amounts	times sum of amounts	15428
shown on line 19, Col. I	shown on line 19, Col. II	15429
and line <del>20</del> <u>20a</u> , Col. I	and line <del>20</del> <u>20a</u> , Col. II	15430
\$.....	\$.....	15431
		15432
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		15433
<u>INSURANCE IS PROVIDED:</u>		
a. Father: line 18a plus or		15434
minus the difference between		15435
line 21a minus line 21c		15436
.....	\$.....	15437
b. Mother: line 18b plus or		15438
minus the difference between		15439
line 21b minus line 21d		15440
.....	\$.....	15441
		15442
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		15443

a. (Line 22a or 22b, whichever	15444	
line corresponds to the	15445	
parent who is the obligor). \$.....	15446	
b. Any non-means-tested	15447	
benefits, including social	15448	
security and veterans'	15449	
benefits, paid to and	15450	
received by a child or a	15451	
person on behalf of the	15452	
child due to death,	15453	
disability, or retirement	15454	
of the parent..... \$.....	15455	
c. Actual annual obligation	15456	
(subtract line 23b from	15457	
line 23a)..... \$.....	15458	
	15459	
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT	15460	
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	15461
<u>or shared parenting)</u>	<u>or shared parenting)</u>	15462
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	15463
<u>the sum of the amounts</u>	<u>the sum of the amounts</u>	15464
<u>shown on line 19, Col. II</u>	<u>shown on line 19, Col. I</u>	15465
<u>and line 20b, Col. II</u>	<u>and line 20b, Col. I</u>	15466
<u>\$.....</u>	<u>\$.....</u>	15467
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	15468
<u>times the sum of the</u>	<u>times the sum of the</u>	15469
<u>amounts shown on line</u>	<u>amounts shown on line</u>	15470
<u>19, Col. I and line</u>	<u>19, Col. II and line</u>	15471
<u>20b, Col. I</u>	<u>20b, Col. II</u>	15472
<u>\$.....</u>	<u>\$.....</u>	15473
		15474
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>	15475	

<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	15476
a. <u>Father: line 18a plus or</u>	15477
<u>minus the difference between</u>	
<u>line 24a minus line 24c</u>	
..... \$.....	15478
b. <u>Mother: line 18b plus or</u>	15479
<u>minus the difference between</u>	
<u>line 24b and 24d</u>	
..... \$.....	15480
	15481
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	15482
a. <u>(Line 25a or 25b, whichever</u>	15483
<u>line corresponds to the</u>	
<u>parent who is the</u>	
<u>obligor)</u>	\$..... 15484
b. <u>Any non-means-tested</u>	15485
<u>benefits, including social</u>	
<u>security and veterans'</u>	
<u>benefits, paid to and</u>	
<u>received by a child or a</u>	
<u>person on behalf of the child</u>	
<u>due to death, disability, or</u>	
<u>retirement of the</u>	
<u>parent</u>	\$..... 15486
c. <u>Actual annual obligation</u>	15487
<u>(subtract line 26b from line</u>	
<u>26a</u>	\$..... 15488
	15489
27.a. <u>Deviation from sole residential parent support amount shown</u>	15490
<u>on line 23c if amount would be unjust or inappropriate: (see</u>	15491
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>	15492
<u>monetary value must be stated.)</u>	15493
.....	15494





annual share, line 25 <u>28</u> , by			
12) plus any processing			
charge			
.....	\$.....	<u>\$.....</u>	15513
			15514
<u>30. FINAL CASH MEDICAL SUPPORT</u>			15515
<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 cash</u>			
<u>medical support amount</u>			
<u>from line 20b</u>		<u>\$.....</u>	15516
			15517
<u>31. FOR DECREE: Cash medical</u>			15518
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	15519
Prepared by:			15520
Counsel: .....	Pro se: .....		15521
(For mother/father)			15522
CSEA: .....	Other: .....		15523
Worksheet Has Been Reviewed and Agreed To:			15524
.....	.....		15525
Mother	Date		15526
.....	.....		15527
Father	Date		15528
<b>Sec. 3119.023.</b> When a court or child support enforcement			15529
agency calculates the amount of child support to be paid pursuant			15530
to a court child support order in a proceeding in which the			15531
parents have split parental rights and responsibilities with			15532

respect to the children who are the subject of the child support	15533
order, the court or child support enforcement agency shall use a	15534
worksheet that is identical in content and form to the following:	15535
CHILD SUPPORT COMPUTATION WORKSHEET	15536
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	15537
Name of parties .....	15538
Case No. ....	15539
Number of minor children .....	15540
Number of minor children with mother ..... father .....	15541
Column I    Column II    Column III	15542
Father        Mother        Combined	15543
INCOME:	15544
1.a. Annual gross income from	15545
employment or, when	15546
determined appropriate	15547
by the court or agency,	15548
average annual gross income	15549
from employment over a	15550
reasonable period of years.	15551
(Exclude overtime, bonuses,	15552
self-employment income, or	15553
commissions).....        \$.....        \$.....	15554
b. Amount of overtime,	15555
bonuses, and commissions	15556
(year 1 representing the	15557
most recent year)	15558
Father	15559
Mother	15559
Yr. 3 \$.....	15560
(Three years ago)	15561
Yr. 2 \$.....	15562
(Two years ago)	15563

Yr. 1 \$.....	Yr. 1 \$.....	15564
(Last calendar year)	(Last calendar year)	15565
Average \$.....	\$.....	15566
(Include in Col. I and/or		15567
Col. II the average of the		15568
three years or the year 1		15569
amount, whichever is less,		15570
if there exists a reasonable		15571
expectation that the total		15572
earnings from overtime and/or		15573
bonuses during the current		15574
calendar year will meet or		15575
exceed the amount that is		15576
the lower of the average		15577
of the three years or the		15578
year 1 amount. If, however,		15579
there exists a reasonable		15580
expectation that the total		15581
earnings from overtime/		15582
bonuses during the current		15583
calendar year will be less		15584
than the lower of the average		15585
of the 3 years or the year 1		15586
amount, include only the		15587
amount reasonably expected		15588
to be earned this year.)... \$..... \$.....		15589
		15590
2. For self-employment income		15591
a. Gross receipts from		15592
business..... \$..... \$.....		15593
b. Ordinary and necessary		15594
business expenses..... \$..... \$.....		15595
c. 5.6% of adjusted gross		15596

income or the actual			15597
marginal difference between			15598
the actual rate paid by the			15599
self-employed individual			15600
and the F.I.C.A. rate .....	\$.....	\$.....	15601
d. Adjusted gross income from			15602
self-employment (subtract			15603
the sum of 2b and 2c from			15604
2a).....	\$.....	\$.....	15605
			15606
3. Annual income from interest			15607
and dividends (whether or			15608
not taxable).....	\$.....	\$.....	15609
			15610
4. Annual income from			15611
unemployment compensation...	\$.....	\$.....	15612
			15613
5. Annual income from workers'			15614
compensation, disability			15615
insurance benefits or social			15616
security disability			15617
retirement benefits.....	\$.....	\$.....	15618
			15619
6. Other annual income			15620
(identify).....	\$.....	\$.....	15621
			15622
7.a. Total annual gross income			15623
(add lines 1a, 1b, 2d, and			15624
3-6).....	\$.....	\$.....	15625
b. <u>Health insurance maximum</u>			15626
<u>(multiply line 7a</u>			15627
<u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	15628
			15629

ADJUSTMENTS TO INCOME:			15630
8. Adjustment for minor children			15631
born to or adopted by either			15632
parent and another parent who			15633
are living with this parent;			15634
adjustment does not apply			15635
to stepchildren (number of			15636
children times federal income			15637
tax exemption less child			15638
support received, not to			15639
exceed the federal tax			15640
exemption).....	\$.....	\$.....	15641
			15642
9. Annual court-ordered support			15643
paid for other children....	\$.....	\$.....	15644
			15645
10. Annual court-ordered spousal			15646
support paid to any spouse			15647
or former spouse.....	\$.....	\$.....	15648
			15649
11. Amount of local income taxes			15650
actually paid or estimated			15651
to be paid.....	\$.....	\$.....	15652
			15653
12. Mandatory work-related			15654
deductions such as union			15655
dues, uniform fees, etc.			15656
(not including taxes, social			15657
security, or retirement)...	\$.....	\$.....	15658
			15659
13. Total gross income			15660
adjustments (add lines			15661
8 through 12).....	\$.....	\$.....	15662

			15663
14.			15664
<u>a.</u>	Adjusted annual gross		15665
	income (subtract line 13		15666
	from 7a).....	\$..... \$.....	15667
<u>b.</u>	Cash medical support		15668
	<u>maximum (If the amount on</u>		15669
	<u>line 7a, Col. I, is under</u>		
	<u>150% of the federal poverty</u>		
	<u>level for an individual,</u>		
	<u>enter \$0 on line 14b., Col.</u>		
	<u>I. If the amount on line 7a,</u>		
	<u>Col. I, is 150% or higher of</u>		
	<u>the federal poverty level for</u>		
	<u>an individual, multiply the</u>		
	<u>amount on line 14a, Col. I,</u>		
	<u>by 5% and enter this amount</u>		
	<u>on line 14b, Col. I. If the</u>		
	<u>amount on line 7a, Col. II,</u>		
	<u>is under 150% of the federal</u>		
	<u>poverty level for an</u>		
	<u>individual, enter \$0 on line</u>		
	<u>14b, Col. II. If the amount</u>		
	<u>on line 7a, Col. II, is 150%</u>		
	<u>or higher of the federal</u>		
	<u>poverty level for an</u>		
	<u>individual, multiply the</u>		
	<u>amount on line 14a, Col. II,</u>		
	<u>by 5% and enter this amount</u>		
	<u>on line 14b, Col. II.)</u>		
	.....	\$..... \$.....	15670
			15671
15.	Combined annual income that		15672

is basis for child support	15673	
order (add line <del>14</del> <u>14a</u> ,	15674	
Col. I and Col. II).....	\$..... 15675	
	15676	
16. Percentage of parent's	15677	
income to total income	15678	
a. Father (divide line <del>14</del> <u>14a</u> ,	15679	
Col. I, by line 15, Col.	15680	
III).....%	15681	
b. Mother (divide line <del>14</del> <u>14a</u> ,	15682	
Col. II, by line 15, Col.	15683	
III).....%	15684	
	15685	
17. Basic combined child	15686	
support obligation (refer	15687	
to schedule, first column,	15688	
locate the amount nearest	15689	
to the amount on line 15,	15690	
Col. III, then refer to	15691	
column for number of	15692	
children with this parent.	15693	
If the income of the	15694	
parents is more than one	15695	
sum but less than another,	15696	
you may calculate the	15697	
difference).....	15698	
	15699	
For children	For children	15700
for whom the	for whom the	15701
mother is the	father is the	15702
residential	residential	15703
parent and	parent and	15704
legal custodian	legal custodian	15705



	\$.....	\$.....	15706
			15707
18. Annual support obligation per parent			15708
a. Of father for children for			15709
whom mother is the			15710
residential parent and			15711
legal custodian (multiply			15712
line 17, Col. I, by line			15713
16a).....	\$.....		15714
b. Of mother for children for			15715
whom the father is the			15716
residential parent and			15717
legal custodian (multiply			15718
line 17, Col. II, by line			15719
16b).....		\$.....	15720
			15721
19. Annual child care expenses			15722
for children who are the			15723
subject of this order that			15724
are work-, employment			15725
training-, or education-			15726
related, as approved by			15727
the court or agency			15728
(deduct tax credit from			15729
annual cost whether or			15730
not claimed).....	Paid by	Paid by	15731
	father	mother	15732
	\$.....	\$.....	15733
			15734
20.			15735
a. Marginal, out-of-pocket			15736
costs, necessary to provide			15737
for health insurance for			15738

the children who are the			15739
subject of this order			15740
<u>(contributing cost of private</u>			15741
<u>family health insurance,</u>			
<u>minus the contributing cost</u>			
<u>of private single health</u>			
<u>insurance, divided by the</u>			
<u>total number of dependents</u>			
<u>covered by the plan,</u>			
<u>including the children</u>			
<u>subject of the support order,</u>			
<u>times the number of children</u>			
<u>subject of the support</u>			
<u>order) .....</u>	Paid by	Paid by	15742
	father	mother	15743
	\$.....	\$.....	15744
b. <u>Cash medical support</u>			15745
<u>obligation (enter the amount</u>			15746
<u>on line 14b or the amount of</u>			
<u>annual health care</u>			
<u>expenditures estimated by the</u>			
<u>United States Department of</u>			
<u>Agriculture and described in</u>			
<u>section 3119.30 of the</u>			
<u>Revised Code, whichever</u>			
<u>amount is lower).....</u>	\$.....	\$.....	15747
			15748
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>			15749
<u>PROVIDED:</u>			
Father	Mother		15750
a. Additions: line 16a	b. Additions: line 16b		15751
times sum of amounts	times sum of amounts		15752
shown on line 19, Col. II	shown on line 19, Col. I		15753

and line <del>20</del> <u>20a</u> , Col. II	and line <del>20</del> <u>20a</u> , Col. I	15754
\$. . . . .	\$. . . . .	15755
c. Subtractions: line 16b	d. Subtractions: line 16a	15756
times sum of amounts	times sum of amounts	15757
shown on line 19, Col. I	shown on line 19, Col. II	15758
and line <del>20</del> <u>20a</u> , Col. I	and line <del>20</del> <u>20a</u> , Col. II	15759
\$. . . . .	\$. . . . .	15760
		15761
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		15762
a. Father: line 18a plus line		15763
21a minus line 21c (if the		15764
amount on line 21c is		15765
greater than or equal to		15766
the amount on line 21a--		15767
enter the number on line		15768
18a in Col. I). . . . .	\$. . . . .	15769
b. Any non-means-tested		15770
benefits, including social		15771
security and veterans'		15772
benefits, paid to and		15773
received by children for		15774
whom the mother is the		15775
residential parent and		15776
legal custodian or a person		15777
on behalf of those children		15778
due to death, disability,		15779
or retirement of the		15780
father. . . . .	\$. . . . .	15781
c. Actual annual obligation of		15782
father (subtract line 22b		15783
from line 22a). . . . .	\$. . . . .	15784
d. Mother: line 18b plus line		15785
21b minus line 21d (if the		15786

amount on line 21d is		15787
greater than or equal to		15788
the amount on line		15789
21b--enter the number on		15790
line 18b in Col. II).....	\$.....	15791
e. Any non-means-tested		15792
benefits, including social		15793
security and veterans'		15794
benefits, paid to and		15795
received by children for		15796
whom the father is the		15797
residential parent and		15798
legal custodian or a person		15799
on behalf of those children		15800
due to death, disability,		15801
or retirement of the		15802
mother.....	\$.....	15803
f. Actual annual obligation		15804
of mother (subtract line 22e		15805
from line 22d).....	\$.....	15806
g. Actual annual obligation		15807
payable (subtract lesser		15808
actual annual obligation		15809
from greater actual annual		15810
obligation using amounts in		15811
lines 22c and 22f to		15812
determine net child support		15813
payable).....	\$..... \$.....	15814
		15815
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		15816
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	15817
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	15818

<u>the sum of the amounts</u>	<u>the sum of the amounts shown</u>	
<u>shown on line 19, Col. II</u>	<u>on line 19, Col. I and line</u>	
<u>and line 20b, Col. II</u>	<u>20b, Col. I</u>	
<u>\$.....</u>	<u>\$.....</u>	15819
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	15820
<u>times the sum of the</u>	<u>the sum of the amounts shown</u>	
<u>amounts shown on line 19,</u>	<u>on line 19, Col. II and line</u>	
<u>Col. I and line 20b, Col. I</u>	<u>20b, Col. II</u>	
<u>\$.....</u>	<u>\$.....</u>	15821
		15822
<u>24. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		15823
a. <u>Father: line 18a plus line</u>		15824
<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>	15825
b. <u>Any non-means-tested</u>		15826
<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>	15827
c. <u>Actual annual obligation of</u>		15828
<u>the father (subtract line 24b</u>		
<u>from line 24a)</u>	<u>\$.....</u>	15829
d. <u>Mother: line 18b plus line</u>		15830

	<u>23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)</u>		
	.....	\$.....	15831
e.	<u>Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the mother</u>		15832
	.....	\$.....	15833
f.	<u>Actual annual obligation of the mother (subtract line 24e from line 24d)</u>		15834
	.....	\$.....	15835
g.	<u>Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)</u>		15836
	.....	\$.....	\$.....
h.	<u>Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col.</u>		15837
	.....		15838

II, to line 24g, Col. II,

when mother is obligor

..... \$..... \$..... 15839

15840

25. Deviation from split residential parent guideline amount 15841

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.)

..... 15842

..... 15843

..... 15844

..... 15845

..... WHEN WHEN 15846

HEALTH HEALTH

INSURANCE INSURANCE

IS IS NOT

PROVIDED PROVIDED

24 FINAL CHILD SUPPORT FIGURE: 15847

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, 15848

OBLIGOR

15849

25 FOR DECREE: Child support per 15850

27. month (divide obligor's annual share, line ~~24~~ 26, by 12) plus any processing

charge			
.....	\$.....	\$.....	15851
			15852
28. <u>FINAL CASH MEDICAL SUPPORT</u>			15853
<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 cash</u>			
<u>medical support from line</u>			
<u>20b)</u>			
.....		\$.....	15854
			15855
29. <u>FOR DECREE: Cash medical</u>			15856
<u>support per month (divide</u>			
<u>line 28 by 12)</u>			
.....		\$.....	15857
Prepared by:			15858
Counsel: .....	Pro se: .....		15859
(For mother/father)			15860
CSEA: .....	Other: .....		15861
Worksheet Has Been Reviewed and Agreed To:			15862
.....	.....		15863
Mother	Date		15864
.....	.....		15865
Father	Date		15866
<b>Sec. 3119.05.</b> When a court computes the amount of child			15867
support required to be paid under a court child support order or a			15868
child support enforcement agency computes the amount of child			15869
support to be paid pursuant to an administrative child support			15870



order, all of the following apply: 15871

(A) The parents' current and past income and personal 15872  
earnings shall be verified by electronic means or with suitable 15873  
documents, including, but not limited to, paystubs, employer 15874  
statements, receipts and expense vouchers related to 15875  
self-generated income, tax returns, and all supporting 15876  
documentation and schedules for the tax returns. 15877

(B) The amount of any pre-existing child support obligation 15878  
of a parent under a child support order and the amount of any 15879  
court-ordered spousal support actually paid shall be deducted from 15880  
the gross income of that parent to the extent that payment under 15881  
the child support order or that payment of the court-ordered 15882  
spousal support is verified by supporting documentation. 15883

(C) If other minor children who were born to the parent and a 15884  
person other than the other parent who is involved in the 15885  
immediate child support determination live with the parent, the 15886  
court or agency shall deduct an amount from that parent's gross 15887  
income that equals the number of such minor children times the 15888  
federal income tax exemption for such children less child support 15889  
received for them for the year, not exceeding the federal income 15890  
tax exemption. 15891

(D) When the court or agency calculates the gross income of a 15892  
parent, it shall include the lesser of the following as income 15893  
from overtime and bonuses: 15894

(1) The yearly average of all overtime, commissions, and 15895  
bonuses received during the three years immediately prior to the 15896  
time when the person's child support obligation is being computed; 15897

(2) The total overtime, commissions, and bonuses received 15898  
during the year immediately prior to the time when the person's 15899  
child support obligation is being computed. 15900

(E) When the court or agency calculates the gross income of a 15901

parent, it shall not include any income earned by the spouse of 15902  
that parent. 15903

~~(F) The court shall not order an amount of child support for 15904  
reasonable and ordinary uninsured medical or dental expenses in 15905  
addition to the amount of the child support obligation determined 15906  
in accordance with the schedule. The court shall issue a separate 15907  
order for extraordinary medical or dental expenses, including, but 15908  
not limited to, orthodontia, psychological, appropriate private 15909  
education, and other expenses, and may consider the expenses in 15910  
adjusting a child support order. 15911~~

(G) When a court or agency calculates the amount of child 15912  
support to be paid pursuant to a court child support order or an 15913  
administrative child support order, if the combined gross income 15914  
of both parents is an amount that is between two amounts set forth 15915  
in the first column of the schedule, the court or agency may use 15916  
the basic child support obligation that corresponds to the higher 15917  
of the two amounts in the first column of the schedule, use the 15918  
basic child support obligation that corresponds to the lower of 15919  
the two amounts in the first column of the schedule, or calculate 15920  
a basic child support obligation that is between those two amounts 15921  
and corresponds proportionally to the parents' actual combined 15922  
gross income. 15923

(H) When the court or agency calculates gross income, the 15924  
court or agency, when appropriate, may average income over a 15925  
reasonable period of years. 15926

(I) A court or agency shall not determine a parent receiving 15927  
means-tested public assistance benefits to be voluntarily 15928  
unemployed or underemployed and shall not impute income to that 15929  
parent, unless not making such determination and not imputing 15930  
income would be unjust, inappropriate, and not in the best 15931  
interest of the child. 15932

(J) When a court or agency requires a parent to pay an amount 15933  
for that parent's failure to support a child for a period of time 15934  
prior to the date the court modifies or issues a court child 15935  
support order or an agency modifies or issues an administrative 15936  
child support order for the current support of the child, the 15937  
court or agency shall calculate that amount using the basic child 15938  
support schedule, worksheets, and child support laws in effect, 15939  
and the incomes of the parents as they existed, for that prior 15940  
period of time. 15941

**Sec. 3119.27. (A)** A court that issues or modifies a court 15942  
support order, or an administrative agency that issues or modifies 15943  
an administrative child support order, shall impose on the obligor 15944  
under the support order a processing charge that is the greater of 15945  
two per cent of the support payment to be collected under a 15946  
support order or one dollar per month. No court or agency may call 15947  
the charge a poundage fee. 15948

(B) In each child support case that is a Title IV-D case, the 15949  
department of job and family services shall claim twenty-five 15950  
dollars from the processing charge described in division (A) of 15951  
this section for federal reporting purposes if the obligee has 15952  
never received assistance under Title IV-A and the department has 15953  
collected at least five hundred dollars of child support for the 15954  
obligee. The director of job and family services shall adopt rules 15955  
under Chapter 119. of the Revised Code to implement this division, 15956  
and the department shall implement this division not later than 15957  
March 31, 2008. 15958

(C) As used in this section: 15959

(1) "Annual" means the period as defined in regulations 15960  
issued by the United States secretary of health and human services 15961  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 15962

(2) "Title IV-A" has the same meaning as in section 5107.02 15963

<u>of the Revised Code.</u>	15964
<u>(3) "Title IV-D case" has the same meaning as in section</u>	15965
<u>3125.01 of the Revised Code.</u>	15966
<b>Sec. 3119.29. (A)</b> As used in this section and sections	15967
3119.30 to 3119.56 of the Revised Code:	15968
<del>(A)</del> (1) <u>"Cash medical support" means an amount ordered to be</u>	15969
<u>paid in a child support order toward the cost of health insurance</u>	15970
<u>provided by a public entity, another parent, or person with whom</u>	15971
<u>the child resides, through employment or otherwise, or for other</u>	15972
<u>medical cost not covered by insurance.</u>	15973
<u>(2) "Federal poverty line" has the same meaning as defined in</u>	15974
<u>section 5104.01 of the Revised Code.</u>	15975
<u>(3) "Health care" means such medical support that includes</u>	15976
<u>coverage under a health insurance plan, payment of costs of</u>	15977
<u>premiums, co-payments, and deductibles, or payment for medical</u>	15978
<u>expenses incurred on behalf of the child.</u>	15979
<u>(4) "Health insurance coverage" means accessible private</u>	15980
<u>health insurance that provides primary care services within thirty</u>	15981
<u>miles from the residence of the child subject to the child support</u>	15982
<u>order.</u>	15983
<u>(5) "Health plan administrator" means any entity authorized</u>	15984
under Title XXXIX of the Revised Code to engage in the business of	15985
insurance in this state, any health insuring corporation, any	15986
legal entity that is self-insured and provides benefits to its	15987
employees or members, and the administrator of any such entity or	15988
corporation.	15989
<del>(B)</del> (6) <u>"National medical support notice" means a form</u>	15990
required by the "Child Support Performance and Incentive Act of	15991
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as	15992
amended, and jointly developed and promulgated by the secretary of	15993

health and human services and the secretary of labor in federal 15994  
regulations adopted under that act as modified by the department 15995  
of job and family services under section 3119.291 of the Revised 15996  
Code. 15997

~~(C)~~(7) "Person required to provide health insurance coverage" 15998  
means the obligor, obligee, or both, required by the court under a 15999  
court child support order or by the child support enforcement 16000  
agency under an administrative child support order to provide 16001  
health insurance coverage pursuant to section 3119.30 of the 16002  
Revised Code. 16003

(8) Subject to division (B) of this section, "reasonable 16004  
cost" means the contributing cost of private family health 16005  
insurance to the person responsible for the health care of the 16006  
children subject to the child support order that does not exceed 16007  
an amount equal to five per cent of the annual gross income of 16008  
that person. 16009

(9) "Title XIX" has the same meaning as defined in section 16010  
5111.20 of the Revised Code. 16011

(B) If the United States secretary of health and human 16012  
services issues a regulation defining "reasonable cost" or a 16013  
similar term or phrase relevant to the provisions in child support 16014  
orders relating to the provision of health care for children 16015  
subject to the orders, and if that definition is substantively 16016  
different from the meaning of "reasonable cost" as defined in 16017  
division (A) of this section, "reasonable cost" as used in this 16018  
section shall have the meaning as defined by the United States 16019  
secretary of health and human services. 16020

**Sec. 3119.30. (A)** In any action or proceeding in which a 16021  
child support order is issued or modified, the court, with respect 16022  
to court child support orders, and the child support enforcement 16023  
agency, with respect to administrative child support orders, shall 16024

determine the person or persons responsible for the health care of 16025  
the children subject to the child support order and shall include 16026  
provisions for the health care of the children in the child 16027  
support order. The order shall specify that the obligor and 16028  
obligee are both liable for the health care of the children who 16029  
are not covered by private health insurance or cash medical 16030  
support as calculated in accordance with section 3119.022 or 16031  
3119.023 of the Revised Code, as applicable. The determination 16032  
shall be based 16033

(B) Based on information provided to the court or to the 16034  
child support enforcement agency under section 3119.31 of the 16035  
Revised Code. ~~The, the~~ order shall include one of the following: 16036

~~(A) A requirement that the obligor under the child support~~ 16037  
~~order obtain health insurance coverage for the children if~~ 16038  
~~coverage is available at a reasonable cost through a group policy,~~ 16039  
~~contract, or plan offered by the obligor's employer or through any~~ 16040  
~~other group policy, contract, or plan available to the obligor and~~ 16041  
~~is not available for a more reasonable cost through a group~~ 16042  
~~policy, contract, or plan available to the obligee;~~ 16043

~~(B)(1) A requirement that both the obligor and the obligee~~ 16044  
~~obtain private health insurance coverage for the children if~~ 16045  
~~coverage is available for the children at a reasonable cost to~~ 16046  
~~both the obligor and the obligee and dual coverage would provide~~ 16047  
~~for coordination of medical benefits without unnecessary~~ 16048  
~~duplication of coverage.~~ 16049

(2) A requirement that the obligee obtain private health 16050  
insurance coverage for the children if coverage is available 16051  
~~through a group policy, contract, or plan offered by the obligee's~~ 16052  
~~employer or through any other~~ group policy, contract, or plan 16053  
available to the obligee and is available at a more reasonable 16054  
cost than coverage is available to the obligor; 16055

~~(C)(3) A requirement that the obligor obtain private health insurance coverage for the children if coverage is available through any group policy, contract, or plan available to the obligor at a more reasonable cost than coverage is available to the obligee;~~ 16056  
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~~(4) If health insurance coverage for the children is not available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or the obligee at the time the court or child enforcement agency issues the order, a requirement that the obligor and or the obligee share liability for the cost of the medical and health care needs of the children, under an equitable formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, and a requirement that if, after the issuance of the order, health insurance coverage for the children becomes available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or obligee, the obligor or obligee to whom the coverage becomes available immediately inform the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order;~~ 16061  
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~~(D) A requirement that both the obligor and the obligee obtain health insurance coverage for the children if coverage is available for the children at a reasonable cost to both the obligor and the obligee and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage immediately inform the court or child support enforcement agency that private health insurance coverage for the~~ 16081  
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children has become available to either the obligor or obligee. 16088  
The court or child support enforcement agency shall determine if 16089  
the private health insurance coverage is available at a reasonable 16090  
cost and if coverage is reasonable, division (B)(2) or (3) shall 16091  
apply, as applicable. 16092

(C) When a child support order is issued or modified, and the 16093  
obligor's gross income is one hundred fifty per cent or more of 16094  
the federal poverty level for an individual, the order shall 16095  
include the amount of cash medical support to be paid by the 16096  
obligor that is either five per cent of the obligor's adjusted 16097  
gross income or the obligor's share of the United States 16098  
department of agriculture estimated annual health care expenditure 16099  
per child as determined in accordance with federal law and 16100  
regulation, whichever is the lower amount. The amount of cash 16101  
medical support paid by the obligor shall be paid during any 16102  
period after the court or child support enforcement agency issues 16103  
or modifies the order in which the children are not covered by 16104  
private health insurance. 16105

(D) Any cash medical support paid pursuant to division (C) of 16106  
this section shall be paid by the obligor to either the obligee if 16107  
the children are not Medicaid recipients, or to the office of 16108  
child support to defray the cost of Medicaid expenditures if the 16109  
children are Medicaid recipients. The court or child support 16110  
enforcement agency shall adjust the monthly child support 16111  
obligation in accordance with the terms of the support order 16112  
calculated pursuant to section 3119.022 or 3119.023 of the Revised 16113  
Code, as applicable. 16114

The court or child support enforcement agency shall give the 16115  
obligor notice in accordance with Chapter 3121. of the Revised 16116  
Code and provide the obligor an opportunity to be heard if the 16117  
obligor believes there is a mistake of fact regarding the 16118  
availability of private health insurance at a reasonable cost as 16119



determined under division (B) of this section. 16120

(E) The obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During payment of cash medical support, the obligor or obligee must immediately inform the court or child support enforcement agency that health insurance coverage for the children has become available. 16121  
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Sec. 3119.302. (A) When the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines the person or persons responsible for the health care of the children subject to the order pursuant to section 3119.30 of the Revised Code, all of the following apply: 16130  
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(1) The court or agency shall consider any private health insurance in which the obligor, obligee, or children, are enrolled at the time the court or agency issues the order. 16136  
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(2) If the contributing cost of private family health insurance to either parent exceeds five per cent of that parent's annual gross income, that parent shall not be ordered to provide private health insurance for the child except as follows: 16139  
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(a) When both parents agree that one, or both, of the parents obtain or maintain the private health insurance that exceeds five per cent of the annual gross income of the parent obtaining or maintaining the private health insurance; 16143  
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(b) When either parent requests to obtain or maintain the private health insurance that exceeds five per cent of that parent's annual gross income; 16147  
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(c) When the court determines that it is in the best interest of the children for a parent to obtain and maintain private health insurance that exceeds five per cent of that parent's annual gross income and the cost will not impose an undue financial burden on either parent. If the court makes such a determination, the court must include the facts and circumstances of the determination in the child support order. 16150  
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(3) If private health insurance is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available private health insurance, the court shall state the facts and circumstances of the determination in the child support order. The court determination under this division shall not limit any obligation to provide cash medical support pursuant to section 3119.30 of the Revised Code. 16157  
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(4) Notwithstanding division (A)(4) of section 3119.29 of the Revised Code, the court or agency may allow private health insurance to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances or if primary care services are accessible only by public transportation. The court or agency shall include this accessibility determination in the child support order. 16165  
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(B) The director of job and family services shall create and annually update a table to be used to determine the amount of cash medical support to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The table shall incorporate potential combined gross incomes of the parties, in a manner determined by the director, and the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation. 16172  
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**Sec. 3119.32.** A child support order shall contain all of the 16180

following: 16181

(A) If the obligor, obligee, or both obligor and obligee, are 16182  
required under section 3119.30 of the Revised Code to provide 16183  
private health insurance coverage for the children, a requirement 16184  
pursuant to section 3119.30 of the Revised Code that whoever is 16185  
required to provide private health insurance coverage provide to 16186  
the other, not later than thirty days after the issuance of the 16187  
order, information regarding the benefits, limitations, and 16188  
exclusions of the coverage, copies of any insurance forms 16189  
necessary to receive reimbursement, payment, or other benefits 16190  
under the coverage, and a copy of any necessary insurance cards; 16191

(B) A statement setting forth the name, address, and 16192  
telephone number of the individual who is to be reimbursed for 16193  
out-of-pocket medical, optical, hospital, dental, or prescription 16194  
expenses paid for each child and a statement that the health plan 16195  
administrator that provides the private health insurance coverage 16196  
for the children may continue making payment for medical, optical, 16197  
hospital, dental, or prescription services directly to any health 16198  
care provider in accordance with the applicable private health 16199  
insurance policy, contract, or plan; 16200

(C) A requirement that a person required to provide private 16201  
health insurance coverage for the children designate the children 16202  
as covered dependents under any private health insurance policy, 16203  
contract, or plan for which the person contracts; 16204

(D) A requirement that the obligor, the obligee, or both of 16205  
them under a formula established by the court, with respect to a 16206  
court child support order, or the child support enforcement 16207  
agency, with respect to an administrative child support order, pay 16208  
co-payment or deductible costs required under the private health 16209  
insurance policy, contract, or plan that covers the children; 16210

(E) A notice that the employer of the person required to 16211

obtain private health insurance coverage is required to release to 16212  
the other parent, any person subject to an order issued under 16213  
section 3109.19 of the Revised Code, or the child support 16214  
enforcement agency on written request any necessary information on 16215  
the private health insurance coverage, including the name and 16216  
address of the health plan administrator and any policy, contract, 16217  
or plan number, and to otherwise comply with this section and any 16218  
order or notice issued under this section; 16219

(F) A statement setting forth the full name and date of birth 16220  
of each child who is the subject of the child support order; 16221

(G) A requirement that the obligor and the obligee comply 16222  
with any requirement described in section 3119.30 of the Revised 16223  
Code and divisions (A) and (C) of this section that is contained 16224  
in an order issued in compliance with this section no later than 16225  
thirty days after the issuance of the order; 16226

(H) A notice that states the following: "If the person 16227  
required to obtain private health care insurance coverage for the 16228  
children subject to this child support order obtains new 16229  
employment, the agency shall comply with the requirements of 16230  
section 3119.34 of the Revised Code, which may result in the 16231  
issuance of a notice requiring the new employer to take whatever 16232  
action is necessary to enroll the children in private health care 16233  
insurance coverage provided by the new employer." 16234

(I) A statement that, upon receipt of notice by the court or 16235  
child support enforcement agency that private health insurance 16236  
coverage is not available at a reasonable cost, cash medical 16237  
support shall be paid in the amount as determined by the child 16238  
support computation worksheets in section 3119.022 or 3119.023 of 16239  
the Revised Code, as applicable. The court or child support 16240  
enforcement agency may change the financial obligations of the 16241  
parties to pay child support and cash medical support without a 16242  
hearing or additional notice to the parties. 16243

Sec. 3123.23. (A) The director of job and family services 16244  
shall adopt rules under Chapter 119. of the Revised Code to 16245  
implement a program to collect arrearages owed under child support 16246  
orders from insurance claims, settlements, awards, and payments 16247  
based on information obtained pursuant to Title IV-D of the Social 16248  
Security Act, 42 U.S.C. 652. 16249

(B) Any insurer and any director, agent, or employee 16250  
authorized to act on behalf of an insurer, that releases 16251  
information or makes a disclosure in accordance with rules adopted 16252  
pursuant to this section shall be immune from liability in a civil 16253  
action for harm resulting from the disclosure. 16254

(C) As used in this section, "insurer" has the same meaning 16255  
as in section 3901.32 of the Revised Code. 16256

**Sec. 3125.12.** Each child support enforcement agency shall 16257  
enter into a plan of cooperation with the board of county 16258  
commissioners under section 307.983 of the Revised Code and comply 16259  
with each ~~fiscal~~ grant agreement the board enters into under 16260  
~~section sections~~ sections 307.98 and 5101.21 and contracts the board enters 16261  
into under sections 307.981 and 307.982 of the Revised Code that 16262  
affect the agency. 16263

**Sec. 3301.011.** As used in Title XXXIII of the Revised Code, 16264  
"total student count" for any school district means the average 16265  
number of students enrolled during the first full school week of 16266  
October in a school district in grades kindergarten through 16267  
twelve, including students with dual enrollment in a joint 16268  
vocational or cooperative education district that week, and the 16269  
total number of students enrolled in ~~preschool handicapped~~ units 16270  
for preschool children with disabilities on the first day of 16271  
December in the district. 16272

Sec. 3301.07. The state board of education shall exercise 16273  
under the acts of the general assembly general supervision of the 16274  
system of public education in the state. In addition to the powers 16275  
otherwise imposed on the state board under the provisions of law, 16276  
the board shall have the following powers: 16277

(A) Exercise policy forming, planning, and evaluative 16278  
functions for the public schools of the state, and for adult 16279  
education, except as otherwise provided by law; 16280

(B) Exercise leadership in the improvement of public 16281  
education in this state, and administer the educational policies 16282  
of this state relating to public schools, and relating to 16283  
instruction and instructional material, building and equipment, 16284  
transportation of pupils, administrative responsibilities of 16285  
school officials and personnel, and finance and organization of 16286  
school districts, educational service centers, and territory. 16287  
Consultative and advisory services in such matters shall be 16288  
provided by the board to school districts and educational service 16289  
centers of this state. The board also shall develop a standard of 16290  
financial reporting which shall be used by all school districts 16291  
and educational service centers to make their financial 16292  
information available to the public in a format understandable by 16293  
the average citizen and provide year-to-year comparisons for at 16294  
least five years. The format shall show, among other things, 16295  
district and educational service center revenue by source; 16296  
expenditures for salaries, wages, and benefits of employees, 16297  
showing such amounts separately for classroom teachers, other 16298  
employees required to hold licenses issued pursuant to sections 16299  
3319.22 to 3319.31 of the Revised Code, and all other employees; 16300  
expenditures other than for personnel, by category, including 16301  
utilities, textbooks and other educational materials, equipment, 16302  
permanent improvements, pupil transportation, extracurricular 16303  
athletics, and other extracurricular activities; and per pupil 16304

expenditures. 16305

(C) Administer and supervise the allocation and distribution 16306  
of all state and federal funds for public school education under 16307  
the provisions of law, and may prescribe such systems of 16308  
accounting as are necessary and proper to this function. It may 16309  
require county auditors and treasurers, boards of education, 16310  
educational service center governing boards, treasurers of such 16311  
boards, teachers, and other school officers and employees, or 16312  
other public officers or employees, to file with it such reports 16313  
as it may prescribe relating to such funds, or to the management 16314  
and condition of such funds. 16315

(D) Formulate and prescribe minimum standards to be applied 16316  
to all elementary and secondary schools in this state for the 16317  
purpose of requiring a general education of high quality. Such 16318  
standards shall provide adequately for: the licensing of teachers, 16319  
administrators, and other professional personnel and their 16320  
assignment according to training and qualifications; efficient and 16321  
effective instructional materials and equipment, including library 16322  
facilities; the proper organization, administration, and 16323  
supervision of each school, including regulations for preparing 16324  
all necessary records and reports and the preparation of a 16325  
statement of policies and objectives for each school; buildings, 16326  
grounds, health and sanitary facilities and services; admission of 16327  
pupils, and such requirements for their promotion from grade to 16328  
grade as will assure that they are capable and prepared for the 16329  
level of study to which they are certified; requirements for 16330  
graduation; and such other factors as the board finds necessary. 16331

In the formulation and administration of such standards for 16332  
nonpublic schools the board shall also consider the particular 16333  
needs, methods and objectives of those schools, provided they do 16334  
not conflict with the provision of a general education of a high 16335  
quality and provided that regular procedures shall be followed for 16336

promotion from grade to grade of pupils who have met the 16337  
educational requirements prescribed. 16338

(E) May require as part of the health curriculum information 16339  
developed under section 2108.15 of the Revised Code promoting the 16340  
donation of anatomical gifts pursuant to Chapter 2108. of the 16341  
Revised Code and may provide the information to high schools, 16342  
educational service centers, and joint vocational school district 16343  
boards of education; 16344

(F) Prepare and submit annually to the governor and the 16345  
general assembly a report on the status, needs, and major problems 16346  
of the public schools of the state, with recommendations for 16347  
necessary legislative action and a ten-year projection of the 16348  
state's public and nonpublic school enrollment, by year and by 16349  
grade level; 16350

(G) Prepare and submit to the director of budget and 16351  
management the biennial budgetary requests of the state board of 16352  
education, for its agencies and for the public schools of the 16353  
state; 16354

(H) Cooperate with federal, state, and local agencies 16355  
concerned with the health and welfare of children and youth of the 16356  
state; 16357

(I) Require such reports from school districts and 16358  
educational service centers, school officers, and employees as are 16359  
necessary and desirable. The superintendents and treasurers of 16360  
school districts and educational service centers shall certify as 16361  
to the accuracy of all reports required by law or state board or 16362  
state department of education rules to be submitted by the 16363  
district or educational service center and which contain 16364  
information necessary for calculation of state funding. Any 16365  
superintendent who knowingly falsifies such report shall be 16366  
subject to license revocation pursuant to section 3319.31 of the 16367



Revised Code. 16368

(J) In accordance with Chapter 119. of the Revised Code, 16369  
adopt procedures, standards, and guidelines for the education of 16370  
~~handicapped~~ children with disabilities pursuant to Chapter 3323. 16371  
of the Revised Code, including procedures, standards, and 16372  
guidelines governing programs and services operated by county 16373  
boards of mental retardation and developmental disabilities 16374  
pursuant to section 3323.09 of the Revised Code; 16375

(K) For the purpose of encouraging the development of special 16376  
programs of education for academically gifted children, employ 16377  
competent persons to analyze and publish data, promote research, 16378  
advise and counsel with boards of education, and encourage the 16379  
training of teachers in the special instruction of gifted 16380  
children. The board may provide financial assistance out of any 16381  
funds appropriated for this purpose to boards of education and 16382  
educational service center governing boards for developing and 16383  
conducting programs of education for academically gifted children. 16384

(L) Require that all public schools emphasize and encourage, 16385  
within existing units of study, the teaching of energy and 16386  
resource conservation as recommended to each district board of 16387  
education by leading business persons involved in energy 16388  
production and conservation, beginning in the primary grades; 16389

(M) Formulate and prescribe minimum standards requiring the 16390  
use of phonics as a technique in the teaching of reading in grades 16391  
kindergarten through three. In addition, the state board shall 16392  
provide in-service training programs for teachers on the use of 16393  
phonics as a technique in the teaching of reading in grades 16394  
kindergarten through three. 16395

(N) Develop and modify as necessary a state plan for 16396  
technology to encourage and promote the use of technological 16397  
advancements in educational settings. 16398

The board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all tests required by section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any test administered pursuant to division (B)(10) of this section. Each test so furnished shall include the data verification code of the student to whom the test will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (F) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of tests and prescribing the manner in which the tests prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the reading test prescribed under division	16430
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually	16431
to all students in the third grade who have not attained the score	16432
designated for that test under division (A)(2)(c) of section	16433
3301.0710 of the Revised Code.	16434
(2) Administer the mathematics test prescribed under division	16435
(A)(1)(a) of section 3301.0710 of the Revised Code at least once	16436
annually to all students in the third grade.	16437
(3) Administer the tests prescribed under division (A)(1)(b)	16438
of section 3301.0710 of the Revised Code at least once annually to	16439
all students in the fourth grade.	16440
(4) Administer the tests prescribed under division (A)(1)(c)	16441
of section 3301.0710 of the Revised Code at least once annually to	16442
all students in the fifth grade.	16443
(5) Administer the tests prescribed under division (A)(1)(d)	16444
of section 3301.0710 of the Revised Code at least once annually to	16445
all students in the sixth grade.	16446
(6) Administer the tests prescribed under division (A)(1)(e)	16447
of section 3301.0710 of the Revised Code at least once annually to	16448
all students in the seventh grade.	16449
(7) Administer the tests prescribed under division (A)(1)(f)	16450
of section 3301.0710 of the Revised Code at least once annually to	16451
all students in the eighth grade.	16452
(8) Except as provided in division (B)(9) of this section,	16453
administer any test prescribed under division (B) of section	16454
3301.0710 of the Revised Code as follows:	16455
(a) At least once annually to all tenth grade students and at	16456
least twice annually to all students in eleventh or twelfth grade	16457
who have not yet attained the score on that test designated under	16458
that division;	16459

(b) To any person who has successfully completed the 16460  
curriculum in any high school or the individualized education 16461  
program developed for the person by any high school pursuant to 16462  
section 3323.08 of the Revised Code but has not received a high 16463  
school diploma and who requests to take such test, at any time 16464  
such test is administered in the district. 16465

(9) In lieu of the board of education of any city, local, or 16466  
exempted village school district in which the student is also 16467  
enrolled, the board of a joint vocational school district shall 16468  
administer any test prescribed under division (B) of section 16469  
3301.0710 of the Revised Code at least twice annually to any 16470  
student enrolled in the joint vocational school district who has 16471  
not yet attained the score on that test designated under that 16472  
division. A board of a joint vocational school district may also 16473  
administer such a test to any student described in division 16474  
(B)(8)(b) of this section. 16475

(10) If the district has been declared to be under an 16476  
academic watch or in a state of academic emergency pursuant to 16477  
section 3302.03 of the Revised Code or has a three-year average 16478  
graduation rate of not more than seventy-five per cent, administer 16479  
each test prescribed by division (F) of section 3301.0710 of the 16480  
Revised Code in September to all ninth grade students, beginning 16481  
in the school year that starts July 1, 2005. 16482

(C)(1)(a) Any student receiving special education services 16483  
under Chapter 3323. of the Revised Code may be excused from taking 16484  
any particular test required to be administered under this section 16485  
if the individualized education program developed for the student 16486  
pursuant to section 3323.08 of the Revised Code excuses the 16487  
student from taking that test and instead specifies an alternate 16488  
assessment method approved by the department of education as 16489  
conforming to requirements of federal law for receipt of federal 16490  
funds for disadvantaged pupils. To the extent possible, the 16491

individualized education program shall not excuse the student from 16492  
taking a test unless no reasonable accommodation can be made to 16493  
enable the student to take the test. 16494

(b) Any alternate assessment approved by the department for a 16495  
student under this division shall produce measurable results 16496  
comparable to those produced by the tests which the alternate 16497  
assessments are replacing in order to allow for the student's 16498  
assessment results to be included in the data compiled for a 16499  
school district or building under section 3302.03 of the Revised 16500  
Code. 16501

(c) Any student enrolled in a chartered nonpublic school who 16502  
has been identified, based on an evaluation conducted in 16503  
accordance with section 3323.03 of the Revised Code or section 504 16504  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 16505  
794, as amended, as a child with a disability shall be excused 16506  
from taking any particular test required to be administered under 16507  
this section if a plan developed for the student pursuant to rules 16508  
adopted by the state board excuses the student from taking that 16509  
test. In the case of any student so excused from taking a test, 16510  
the chartered nonpublic school shall not prohibit the student from 16511  
taking the test. 16512

(2) A district board may, for medical reasons or other good 16513  
cause, excuse a student from taking a test administered under this 16514  
section on the date scheduled, but any such test shall be 16515  
administered to such excused student not later than nine days 16516  
following the scheduled date. The board shall annually report the 16517  
number of students who have not taken one or more of the tests 16518  
required by this section to the state board of education not later 16519  
than the thirtieth day of June. 16520

(3) As used in this division, "limited English proficient 16521  
student" has the same meaning as in 20 U.S.C. 7801. 16522

No school district board shall excuse any limited English proficient student from taking any particular test required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any such reading or writing test. However, no board shall prohibit a limited English proficient student who is not required to take a test under this division from taking the test. A board may permit any limited English proficient student to take any test required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any test administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the test.

(D)(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the test.

(2) Following any administration of the tests prescribed by

division (F) of section 3301.0710 of the Revised Code to ninth 16555  
grade students, each school district that has a three-year average 16556  
graduation rate of not more than seventy-five per cent shall 16557  
determine for each high school in the district whether the school 16558  
shall be required to provide intervention services to any students 16559  
who took the tests. In determining which high schools shall 16560  
provide intervention services based on the resources available, 16561  
the district shall consider each school's graduation rate and 16562  
scores on the practice tests. The district also shall consider the 16563  
scores received by ninth grade students on the reading and 16564  
mathematics tests prescribed under division (A)(1)(f) of section 16565  
3301.0710 of the Revised Code in the eighth grade in determining 16566  
which high schools shall provide intervention services. 16567

Each high school selected to provide intervention services 16568  
under this division shall provide intervention services to any 16569  
student whose test results indicate that the student is failing to 16570  
make satisfactory progress toward being able to attain scores at 16571  
the proficient level on the Ohio graduation tests. Intervention 16572  
services shall be provided in any skill in which a student 16573  
demonstrates unsatisfactory progress and shall be commensurate 16574  
with the student's test performance. Schools shall provide the 16575  
intervention services prior to the end of the school year, during 16576  
the summer following the ninth grade, in the next succeeding 16577  
school year, or at any combination of those times. 16578

(E) Except as provided in section 3313.608 of the Revised 16579  
Code and division (M) of this section, no school district board of 16580  
education shall utilize any student's failure to attain a 16581  
specified score on any test administered under this section as a 16582  
factor in any decision to deny the student promotion to a higher 16583  
grade level. However, a district board may choose not to promote 16584  
to the next grade level any student who does not take any test 16585  
administered under this section or make up such test as provided 16586

by division (C)(2) of this section and who is not exempt from the 16587  
requirement to take the test under division (C)(3) of this 16588  
section. 16589

(F) No person shall be charged a fee for taking any test 16590  
administered under this section. 16591

(G)(1) Each school district board shall ~~submit~~ designate one 16592  
location for the collection of tests administered in the spring 16593  
under division (B)(1) of this section and the tests administered 16594  
under divisions (B)(2) to (7) of this section. Each district board 16595  
shall submit the tests to the entity with which the department 16596  
contracts for the scoring of the tests as follows: 16597

(a) If the district's total enrollment in grades kindergarten 16598  
through twelve during the first full school week of October was 16599  
less than two thousand five hundred, not later than the Friday 16600  
after the tests are administered, ~~except that;~~ 16601

(b) If the district's total enrollment in grades kindergarten 16602  
through twelve during the first full school week of October was 16603  
two thousand five hundred or more, but less than seven thousand, 16604  
not later than the Monday after the tests are administered; 16605

(c) If the district's total enrollment in grades kindergarten 16606  
through twelve during the first full school week of October was 16607  
seven thousand or more, not later than the Tuesday after the tests 16608  
are administered. 16609

However, any such test that a student takes during the 16610  
make-up period described in division (C)(2) of this section shall 16611  
be submitted not later than the Friday following the day the 16612  
student takes the test. 16613

(2) The department or an entity with which the department 16614  
contracts for the scoring of the test shall send to each school 16615  
district board a list of the individual test scores of all persons 16616  
taking any test prescribed by division (A)(1) or (B) of section 16617



3301.0710 of the Revised Code within sixty days after its 16618  
administration, but in no case shall the scores be returned later 16619  
than the fifteenth day of June following the administration. For 16620  
any tests administered under this section by a joint vocational 16621  
school district, the department or entity shall also send to each 16622  
city, local, or exempted village school district a list of the 16623  
individual test scores of any students of such city, local, or 16624  
exempted village school district who are attending school in the 16625  
joint vocational school district. 16626

(H) Individual test scores on any tests administered under 16627  
this section shall be released by a district board only in 16628  
accordance with section 3319.321 of the Revised Code and the rules 16629  
adopted under division (A) of this section. No district board or 16630  
its employees shall utilize individual or aggregate test results 16631  
in any manner that conflicts with rules for the ethical use of 16632  
tests adopted pursuant to division (A) of this section. 16633

(I) Except as provided in division (G) of this section, the 16634  
department or an entity with which the department contracts for 16635  
the scoring of the test shall not release any individual test 16636  
scores on any test administered under this section. The state 16637  
board of education shall adopt rules to ensure the protection of 16638  
student confidentiality at all times. The rules may require the 16639  
use of the data verification codes assigned to students pursuant 16640  
to division (D)(2) of section 3301.0714 of the Revised Code to 16641  
protect the confidentiality of student test scores. 16642

(J) Notwithstanding division (D) of section 3311.52 of the 16643  
Revised Code, this section does not apply to the board of 16644  
education of any cooperative education school district except as 16645  
provided under rules adopted pursuant to this division. 16646

(1) In accordance with rules that the state board of 16647  
education shall adopt, the board of education of any city, 16648  
exempted village, or local school district with territory in a 16649

cooperative education school district established pursuant to 16650  
divisions (A) to (C) of section 3311.52 of the Revised Code may 16651  
enter into an agreement with the board of education of the 16652  
cooperative education school district for administering any test 16653  
prescribed under this section to students of the city, exempted 16654  
village, or local school district who are attending school in the 16655  
cooperative education school district. 16656

(2) In accordance with rules that the state board of 16657  
education shall adopt, the board of education of any city, 16658  
exempted village, or local school district with territory in a 16659  
cooperative education school district established pursuant to 16660  
section 3311.521 of the Revised Code shall enter into an agreement 16661  
with the cooperative district that provides for the administration 16662  
of any test prescribed under this section to both of the 16663  
following: 16664

(a) Students who are attending school in the cooperative 16665  
district and who, if the cooperative district were not 16666  
established, would be entitled to attend school in the city, 16667  
local, or exempted village school district pursuant to section 16668  
3313.64 or 3313.65 of the Revised Code; 16669

(b) Persons described in division (B)(8)(b) of this section. 16670

Any testing of students pursuant to such an agreement shall 16671  
be in lieu of any testing of such students or persons pursuant to 16672  
this section. 16673

(K)(1) Any chartered nonpublic school may participate in the 16674  
testing program by administering any of the tests prescribed by 16675  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 16676  
administrator of the school specifies which tests the school 16677  
wishes to administer. Such specification shall be made in writing 16678  
to the superintendent of public instruction prior to the first day 16679  
of August of any school year in which tests are administered and 16680

shall include a pledge that the nonpublic school will administer 16681  
the specified tests in the same manner as public schools are 16682  
required to do under this section and rules adopted by the 16683  
department. 16684

(2) The department of education shall furnish the tests 16685  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 16686  
to any chartered nonpublic school electing to participate under 16687  
this division. 16688

(L)(1) The superintendent of the state school for the blind 16689  
and the superintendent of the state school for the deaf shall 16690  
administer the tests described by section 3301.0710 of the Revised 16691  
Code. Each superintendent shall administer the tests in the same 16692  
manner as district boards are required to do under this section 16693  
and rules adopted by the department of education and in conformity 16694  
with division (C)(1)(a) of this section. 16695

(2) The department of education shall furnish the tests 16696  
described by section 3301.0710 of the Revised Code to each 16697  
superintendent. 16698

(M) Notwithstanding division (E) of this section, a school 16699  
district may use a student's failure to attain a score in at least 16700  
the basic range on the mathematics test described by division 16701  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 16702  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 16703  
of section 3301.0710 of the Revised Code as a factor in retaining 16704  
that student in the current grade level. 16705

(N)(1) In the manner specified in divisions (N)(3) to (5) of 16706  
this section, the tests required by section 3301.0710 of the 16707  
Revised Code shall become public records pursuant to section 16708  
149.43 of the Revised Code on the first day of July following the 16709  
school year that the test was administered. 16710

(2) The department may field test proposed test questions 16711

with samples of students to determine the validity, reliability, 16712  
or appropriateness of test questions for possible inclusion in a 16713  
future year's test. The department also may use anchor questions 16714  
on tests to ensure that different versions of the same test are of 16715  
comparable difficulty. 16716

Field test questions and anchor questions shall not be 16717  
considered in computing test scores for individual students. Field 16718  
test questions and anchor questions may be included as part of the 16719  
administration of any test required by section 3301.0710 of the 16720  
Revised Code. 16721

(3) Any field test question or anchor question administered 16722  
under division (N)(2) of this section shall not be a public 16723  
record. Such field test questions and anchor questions shall be 16724  
redacted from any tests which are released as a public record 16725  
pursuant to division (N)(1) of this section. 16726

(4) This division applies to the tests prescribed by division 16727  
(A) of section 3301.0710 of the Revised Code. 16728

(a) The first administration of each test, as specified in 16729  
section 3301.0712 of the Revised Code, shall be a public record. 16730

(b) For subsequent administrations of each test, not less 16731  
than forty per cent of the questions on the test that are used to 16732  
compute a student's score shall be a public record. The department 16733  
shall determine which questions will be needed for reuse on a 16734  
future test and those questions shall not be public records and 16735  
shall be redacted from the test prior to its release as a public 16736  
record. However, for each redacted question, the department shall 16737  
inform each city, local, and exempted village school district of 16738  
the statewide academic standard adopted by the state board of 16739  
education under section 3301.079 of the Revised Code and the 16740  
corresponding benchmark to which the question relates. The 16741  
preceding sentence does not apply to field test questions that are 16742

redacted under division (N)(3) of this section. 16743

(5) Each test prescribed by division (B) of section 3301.0710 16744  
of the Revised Code that is administered in the spring shall be a 16745  
public record. Each test prescribed by that division that is 16746  
administered in the fall or summer shall not be a public record. 16747

(0) As used in this section: 16748

(1) "Three-year average" means the average of the most recent 16749  
consecutive three school years of data. 16750

(2) "Dropout" means a student who withdraws from school 16751  
before completing course requirements for graduation and who is 16752  
not enrolled in an education program approved by the state board 16753  
of education or an education program outside the state. "Dropout" 16754  
does not include a student who has departed the country. 16755

(3) "Graduation rate" means the ratio of students receiving a 16756  
diploma to the number of students who entered ninth grade four 16757  
years earlier. Students who transfer into the district are added 16758  
to the calculation. Students who transfer out of the district for 16759  
reasons other than dropout are subtracted from the calculation. If 16760  
a student who was a dropout in any previous year returns to the 16761  
same school district, that student shall be entered into the 16762  
calculation as if the student had entered ninth grade four years 16763  
before the graduation year of the graduating class that the 16764  
student joins. 16765

**Sec. 3301.0714.** (A) The state board of education shall adopt 16766  
rules for a statewide education management information system. The 16767  
rules shall require the state board to establish guidelines for 16768  
the establishment and maintenance of the system in accordance with 16769  
this section and the rules adopted under this section. The 16770  
guidelines shall include: 16771

(1) Standards identifying and defining the types of data in 16772

the system in accordance with divisions (B) and (C) of this section; 16773  
16774

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 16775  
16776  
16777

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 16778  
16779

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 16780  
16781

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 16782  
16783  
16784

(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: 16785  
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16787

(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 with disabilities, 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~~ disability. The categories of instructional services required by the guidelines under this division shall be the same 16788  
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as the categories of instructional services used in determining	16804
cost units pursuant to division (C)(3) of this section.	16805
(b) The numbers of students receiving support or	16806
extracurricular services for each of the support services or	16807
extracurricular programs offered by the school district, such as	16808
counseling services, health services, and extracurricular sports	16809
and fine arts programs. The categories of services required by the	16810
guidelines under this division shall be the same as the categories	16811
of services used in determining cost units pursuant to division	16812
(C)(4)(a) of this section.	16813
(c) Average student grades in each subject in grades nine	16814
through twelve;	16815
(d) Academic achievement levels as assessed by the testing of	16816
student achievement under sections 3301.0710 and 3301.0711 of the	16817
Revised Code;	16818
(e) The number of students designated as having a	16819
<del>handicapping</del> <u>disabling</u> condition pursuant to division (C)(1) of	16820
section 3301.0711 of the Revised Code;	16821
(f) The numbers of students reported to the state board	16822
pursuant to division (C)(2) of section 3301.0711 of the Revised	16823
Code;	16824
(g) Attendance rates and the average daily attendance for the	16825
year. For purposes of this division, a student shall be counted as	16826
present for any field trip that is approved by the school	16827
administration.	16828
(h) Expulsion rates;	16829
(i) Suspension rates;	16830
(j) The percentage of students receiving corporal punishment;	16831
(k) Dropout rates;	16832
(l) Rates of retention in grade;	16833

(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(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;

(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.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and



the numbers of full-time equivalent licensed employees and 16865  
nonlicensed employees providing each category used pursuant to 16866  
division (C)(4)(c) of this section. The guidelines adopted under 16867  
this section shall require these categories of data to be 16868  
maintained for the school district as a whole and, wherever 16869  
applicable, for each grade in the school district as a whole, for 16870  
each school building as a whole, and for each grade in each school 16871  
building. 16872

(c) The total number of regular classroom teachers teaching 16873  
classes of regular education and the average number of pupils 16874  
enrolled in each such class, in each of grades kindergarten 16875  
through five in the district as a whole and in each school 16876  
building in the school district. 16877

(d) The number of master teachers employed by each school 16878  
district and each school building, once a definition of master 16879  
teacher has been developed by the educator standards board 16880  
pursuant to section 3319.61 of the Revised Code. 16881

(3)(a) Student demographic data for each school district, 16882  
including information regarding the gender ratio of the school 16883  
district's pupils, the racial make-up of the school district's 16884  
pupils, the number of limited English proficient students in the 16885  
district, and an appropriate measure of the number of the school 16886  
district's pupils who reside in economically disadvantaged 16887  
households. The demographic data shall be collected in a manner to 16888  
allow correlation with data collected under division (B)(1) of 16889  
this section. Categories for data collected pursuant to division 16890  
(B)(3) of this section shall conform, where appropriate, to 16891  
standard practices of agencies of the federal government. 16892

(b) With respect to each student entering kindergarten, 16893  
whether the student previously participated in a public preschool 16894  
program, a private preschool program, or a head start program, and 16895  
the number of years the student participated in each of these 16896

programs. 16897

(4) Any data required to be collected pursuant to federal 16898  
law. 16899

(C) The education management information system shall include 16900  
cost accounting data for each district as a whole and for each 16901  
school building in each school district. The guidelines adopted 16902  
under this section shall require the cost data for each school 16903  
district to be maintained in a system of mutually exclusive cost 16904  
units and shall require all of the costs of each school district 16905  
to be divided among the cost units. The guidelines shall require 16906  
the system of mutually exclusive cost units to include at least 16907  
the following: 16908

(1) Administrative costs for the school district as a whole. 16909  
The guidelines shall require the cost units under this division 16910  
(C)(1) to be designed so that each of them may be compiled and 16911  
reported in terms of average expenditure per pupil in formula ADM 16912  
in the school district, as determined pursuant to section 3317.03 16913  
of the Revised Code. 16914

(2) Administrative costs for each school building in the 16915  
school district. The guidelines shall require the cost units under 16916  
this division (C)(2) to be designed so that each of them may be 16917  
compiled and reported in terms of average expenditure per 16918  
full-time equivalent pupil receiving instructional or support 16919  
services in each building. 16920

(3) Instructional services costs for each category of 16921  
instructional service provided directly to students and required 16922  
by guidelines adopted pursuant to division (B)(1)(a) of this 16923  
section. The guidelines shall require the cost units under 16924  
division (C)(3) of this section to be designed so that each of 16925  
them may be compiled and reported in terms of average expenditure 16926  
per pupil receiving the service in the school district as a whole 16927

and average expenditure per pupil receiving the service in each 16928  
building in the school district and in terms of a total cost for 16929  
each category of service and, as a breakdown of the total cost, a 16930  
cost for each of the following components: 16931

(a) The cost of each instructional services category required 16932  
by guidelines adopted under division (B)(1)(a) of this section 16933  
that is provided directly to students by a classroom teacher; 16934

(b) The cost of the instructional support services, such as 16935  
services provided by a speech-language pathologist, classroom 16936  
aide, multimedia aide, or librarian, provided directly to students 16937  
in conjunction with each instructional services category; 16938

(c) The cost of the administrative support services related 16939  
to each instructional services category, such as the cost of 16940  
personnel that develop the curriculum for the instructional 16941  
services category and the cost of personnel supervising or 16942  
coordinating the delivery of the instructional services category. 16943

(4) Support or extracurricular services costs for each 16944  
category of service directly provided to students and required by 16945  
guidelines adopted pursuant to division (B)(1)(b) of this section. 16946  
The guidelines shall require the cost units under division (C)(4) 16947  
of this section to be designed so that each of them may be 16948  
compiled and reported in terms of average expenditure per pupil 16949  
receiving the service in the school district as a whole and 16950  
average expenditure per pupil receiving the service in each 16951  
building in the school district and in terms of a total cost for 16952  
each category of service and, as a breakdown of the total cost, a 16953  
cost for each of the following components: 16954

(a) The cost of each support or extracurricular services 16955  
category required by guidelines adopted under division (B)(1)(b) 16956  
of this section that is provided directly to students by a 16957  
licensed employee, such as services provided by a guidance 16958

counselor or any services provided by a licensed employee under a supplemental contract; 16959  
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(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer; 16961  
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(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category. 16964  
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(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department 16969  
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contracts for the scoring of tests administered under section 16991  
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 16992  
require school districts to provide the social security numbers of 16993  
individual staff members. 16994

(2) The guidelines shall provide for each school district or 16995  
community school to assign a data verification code that is unique 16996  
on a statewide basis over time to each student whose initial Ohio 16997  
enrollment is in that district or school and to report all 16998  
required individual student data for that student utilizing such 16999  
code. The guidelines shall also provide for assigning data 17000  
verification codes to all students enrolled in districts or 17001  
community schools on the effective date of the guidelines 17002  
established under this section. 17003

Individual student data shall be reported to the department 17004  
through the information technology centers utilizing the code but, 17005  
except as provided in section 3310.11 of the Revised Code, at no 17006  
time shall the state board or the department have access to 17007  
information that would enable any data verification code to be 17008  
matched to personally identifiable student data. 17009

Each school district shall ensure that the data verification 17010  
code is included in the student's records reported to any 17011  
subsequent school district or community school in which the 17012  
student enrolls. Any such subsequent district or school shall 17013  
utilize the same identifier in its reporting of data under this 17014  
section. 17015

The director of health shall request and receive, pursuant to 17016  
sections 3301.0723 and 3701.62 of the Revised Code, a data 17017  
verification code for a child who is receiving services under 17018  
division (A)(2) of section 3701.61 of the Revised Code. 17019

(E) The guidelines adopted under this section may require 17020  
school districts to collect and report data, information, or 17021

reports other than that described in divisions (A), (B), and (C) 17022  
of this section for the purpose of complying with other reporting 17023  
requirements established in the Revised Code. The other data, 17024  
information, or reports may be maintained in the education 17025  
management information system but are not required to be compiled 17026  
as part of the profile formats required under division (G) of this 17027  
section or the annual statewide report required under division (H) 17028  
of this section. 17029

(F) Beginning with the school year that begins July 1, 1991, 17030  
the board of education of each school district shall annually 17031  
collect and report to the state board, in accordance with the 17032  
guidelines established by the board, the data required pursuant to 17033  
this section. A school district may collect and report these data 17034  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 17035

(G) The state board shall, in accordance with the procedures 17036  
it adopts, annually compile the data reported by each school 17037  
district pursuant to division (D) of this section. The state board 17038  
shall design formats for profiling each school district as a whole 17039  
and each school building within each district and shall compile 17040  
the data in accordance with these formats. These profile formats 17041  
shall: 17042

(1) Include all of the data gathered under this section in a 17043  
manner that facilitates comparison among school districts and 17044  
among school buildings within each school district; 17045

(2) Present the data on academic achievement levels as 17046  
assessed by the testing of student achievement maintained pursuant 17047  
to division (B)(1)(d) of this section. 17048

(H)(1) The state board shall, in accordance with the 17049  
procedures it adopts, annually prepare a statewide report for all 17050  
school districts and the general public that includes the profile 17051  
of each of the school districts developed pursuant to division (G) 17052

of this section. Copies of the report shall be sent to each school district. 17053  
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(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education. 17055  
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(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available. 17062  
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(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code. 17073  
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(J) As used in this section: 17076

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section. 17077  
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(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

~~(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:~~

~~(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;~~

~~(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;~~

~~(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.~~

~~Any report made under this division shall include recommendations for corrective action by the school district.~~

~~Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to~~



~~the school district to which the report applies. Upon making a  
second report in a fiscal year, the department shall withhold an  
additional twenty per cent of such total amount due during that  
fiscal year to the school district to which the report applies.  
The department shall not release such funds unless it determines  
that the district has taken corrective action. However, no such  
release of funds shall occur if the district fails to take  
corrective action within forty five days of the date upon which  
the report was made by the department.~~

(1) In accordance with division (L)(2) of this section, the  
department of education may sanction any school district that  
reports incomplete or inaccurate data, reports data that does not  
conform to data requirements and descriptions published by the  
department, fails to report data in a timely manner, or otherwise  
does not make a good faith effort to report data as required by  
this section.

(2) If the department decides to sanction a school district  
under this division, the department shall take the following  
sequential actions:

(a) Notify the district in writing that the department has  
determined that data has not been reported as required under this  
section and require the district to review its data submission and  
submit corrected data by a deadline established by the department.  
The department also may require the district to develop a  
corrective action plan, which shall include provisions for the  
district to provide mandatory staff training on data reporting  
procedures.

(b) Withhold up to ten per cent of the total amount of state  
funds due to the district for the current fiscal year and, if not  
previously required under division (L)(2)(a) of this section,  
require the district to develop a corrective action plan in  
accordance with that division;

<u>(c) Withhold an additional amount of up to twenty per cent of</u>	17147
<u>the total amount of state funds due to the district for the</u>	17148
<u>current fiscal year;</u>	17149
<u>(d) Direct department staff or an outside entity to</u>	17150
<u>investigate the district's data reporting practices and make</u>	17151
<u>recommendations for subsequent actions. The recommendations may</u>	17152
<u>include one or more of the following actions:</u>	17153
<u>(i) Arrange for an audit of the district's data reporting</u>	17154
<u>practices by department staff or an outside entity;</u>	17155
<u>(ii) Conduct a site visit and evaluation of the district;</u>	17156
<u>(iii) Withhold an additional amount of up to thirty per cent</u>	17157
<u>of the total amount of state funds due to the district for the</u>	17158
<u>current fiscal year;</u>	17159
<u>(iv) Continue monitoring the district's data reporting;</u>	17160
<u>(v) Assign department staff to supervise the district's data</u>	17161
<u>management system;</u>	17162
<u>(vi) Conduct an investigation to determine whether to suspend</u>	17163
<u>or revoke the license of any district employee in accordance with</u>	17164
<u>division (N) of this section;</u>	17165
<u>(vii) If the district is issued a report card under section</u>	17166
<u>3302.03 of the Revised Code, indicate on the report card that the</u>	17167
<u>district has been sanctioned for failing to report data as</u>	17168
<u>required by this section;</u>	17169
<u>(viii) If the district is issued a report card under section</u>	17170
<u>3302.03 of the Revised Code and incomplete or inaccurate data</u>	17171
<u>submitted by the district likely caused the district to receive a</u>	17172
<u>higher performance rating than it deserved under that section,</u>	17173
<u>issue a revised report card for the district;</u>	17174
<u>(ix) Any other action designed to correct the district's data</u>	17175
<u>reporting problems.</u>	17176

(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. 17177  
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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. 17183  
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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 district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose. 17195  
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(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an 17206  
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opportunity to demonstrate that it made a good faith effort to 17209  
report data as required by this section. The hearing shall be 17210  
conducted by a referee appointed by the department. Based on the 17211  
information provided in the hearing, the referee shall recommend 17212  
whether the department should issue a revised report card for the 17213  
district. If the referee affirms the department's contention that 17214  
the district did not make a good faith effort to report data as 17215  
required by this section, the district shall bear the full cost of 17216  
conducting the hearing and of issuing any revised report card. 17217

(7) If the department determines that any inaccurate data 17218  
reported under this section caused a school district to receive 17219  
excess state funds in any fiscal year, the district shall 17220  
reimburse the department an amount equal to the excess funds, in 17221  
accordance with a payment schedule determined by the department. 17222  
The department may withhold state funds due to the district for 17223  
this purpose. 17224

(8) Any school district that has funds withheld under 17225  
division (L)(2) of this section may appeal the withholding in 17226  
accordance with Chapter 119. of the Revised Code. 17227

(9) In all cases of a disagreement between the department and 17228  
a school district regarding the appropriateness of an action taken 17229  
under division (L)(2) of this section, the burden of proof shall 17230  
be on the district to demonstrate that it made a good faith effort 17231  
to report data as required by this section. 17232

(M) No information technology center or school district shall 17233  
acquire, change, or update its student administration software 17234  
package to manage and report data required to be reported to the 17235  
department unless it converts to a student software package that 17236  
is certified by the department. 17237

(N) The state board of education, in accordance with sections 17238  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 17239

license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**Sec. 3301.0718.** (A) After completing the required standards specified in section 3301.079 of the Revised Code, the state board of education shall adopt standards and model curricula for instruction in computer literacy for grades three through twelve and in fine arts and foreign language for grades kindergarten through twelve. ~~The~~

(B) Not later than December 31, 2007, the state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades. The department of education shall provide the standards, and any revisions of the standards, to all school districts and community schools established under Chapter 3314. of the Revised Code. Any

school district or community school may utilize the standards. 17271

The department shall employ a full-time physical education 17272  
coordinator to provide guidance and technical assistance to 17273  
districts and community schools in implementing the standards 17274  
adopted under this division. The superintendent of public 17275  
instruction shall determine that the person employed as 17276  
coordinator is qualified for the position, as demonstrated by 17277  
possessing an adequate combination of education, license, and 17278  
experience. The department shall hire a coordinator not later than 17279  
October 31, 2007. 17280

(C) The state board shall not adopt or revise any standards 17281  
or curriculum in the area of health or physical education unless, 17282  
by concurrent resolution, the standards, curriculum, or revisions 17283  
are approved by both houses of the general assembly. Before the 17284  
house of representatives or senate votes on a concurrent 17285  
resolution approving health or physical education standards, 17286  
curriculum, or revisions, its standing committee having 17287  
jurisdiction over education legislation shall conduct at least one 17288  
public hearing on the standards, curriculum, or revisions. 17289

(D) The state board shall not adopt a diagnostic 17290  
assessment or achievement test for any grade level or subject area 17291  
other than those specified in section 3301.079 of the Revised 17292  
Code. 17293

**Sec. 3301.0724.** (A) The department of education annually 17294  
shall report to the general assembly, in accordance with section 17295  
101.68 of the Revised Code, for each school district all of the 17296  
following information for the previous school year: 17297

(1) The aggregate amount spent for teacher salaries; 17298

(2) The aggregate amount spent for salaries of nonteaching 17299  
employees; 17300

(3) The aggregate amount spent for health care benefits for all employees and the percentage that amount is of the total amount paid in employer's contributions and employees' contributions for those benefits; 17301  
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(4) The aggregate amount spent for the employer's contributions to the state teachers retirement system and the school employees retirement system; 17305  
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(5) Whether the school district pays any part of the employees' contributions to the state teachers retirement system or the school employees retirement system; 17308  
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(6) The number of sick days, vacation days, and personal days provided for teachers and nonteaching employees. 17311  
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(B) The department shall consult with the state employment relations board in preparing the report required by this section. 17313  
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(C) If necessary, as determined by the department, each school district shall report to the department data prescribed by division (A) of this section in the manner and by the deadline specified by the department so that the department can comply with this section. 17315  
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(D) As used in this section, "school year" has the same meaning as in section 3313.62 of the Revised Code. 17320  
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**Sec. 3301.12.** (A) The superintendent of public instruction in addition to the authority otherwise imposed on the superintendent, shall perform the following duties: 17322  
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(1) The superintendent shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and 17325  
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state regulations. 17331

(2) The superintendent shall prescribe and require the 17332  
preparation and filing of such financial and other reports from 17333  
school districts, officers, and employees as are necessary or 17334  
proper. The superintendent shall prescribe and require the 17335  
installation by school districts of such standardized reporting 17336  
forms and accounting procedures as are essential to the 17337  
businesslike operations of the public schools of the state. 17338

(3) The superintendent shall conduct such studies and 17339  
research projects as are necessary or desirable for the 17340  
improvement of public school education in Ohio, and such as may be 17341  
assigned to the superintendent by the state board of education. 17342  
Such studies and projects may include analysis of data contained 17343  
in the education management information system established under 17344  
section 3301.0714 of the Revised Code. For any study or project 17345  
that requires the analysis of individual student data, the 17346  
department of education or any entity with which the 17347  
superintendent or department contracts to conduct the study or 17348  
project shall maintain the confidentiality of student data at all 17349  
times. For this purpose, the department or contracting entity 17350  
shall use the data verification code assigned pursuant to division 17351  
(D)(2) of section 3301.0714 of the Revised Code for each student 17352  
whose data is analyzed. Except as otherwise provided in division 17353  
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 17354  
the superintendent, the department, the state board of education, 17355  
or any entity conducting a study or research project on the 17356  
superintendent's behalf have access to a student's name, address, 17357  
or social security number while analyzing individual student data. 17358

(4) The superintendent shall prepare and submit annually to 17359  
the state board of education a report of the activities of the 17360  
department of education and the status, problems, and needs of 17361  
education in the state of Ohio. 17362



(5) The superintendent shall supervise all agencies over which the board exercises administrative control, including schools for education of ~~handicapped~~ persons with disabilities.

(B) The superintendent of public instruction may annually inspect and analyze the expenditures of each school district and make a determination as to the efficiency of each district's costs, relative to other school districts in the state, for instructional, administrative, and student support services. The superintendent shall notify each school district as to the nature of, and reasons for, the determination. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code setting forth the procedures and standards for the performance of the inspection and analysis.

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; 17393

(2) The school district that received auxiliary services 17394  
funding under division (I) of section 3317.024 of the Revised Code 17395  
on behalf of the students enrolled in the school. 17396

The school district that receives the records may charge for 17397  
and receive a one-time reimbursement from auxiliary services 17398  
funding under division (I) of section 3317.024 of the Revised Code 17399  
for costs the district incurred to store the records. 17400

**Sec. 3301.311.** (A) As used in this section, "preschool 17401  
program" has the same meaning as in section 3301.52 of the Revised 17402  
Code. 17403

(B)~~(1)~~ Subject to ~~division (B)~~~~(2)~~ divisions (C) and (D) of 17404  
this section, ~~after July 1, 2005~~ beginning in fiscal year 2006, no 17405  
preschool program, and no early childhood education program or 17406  
early learning program as defined by the department of education 17407  
shall receive any funds from the state unless fifty per cent of 17408  
the staff members employed by that program as teachers are working 17409  
toward an associate degree of a type approved by the department. 17410

(C)(1) Subject to division ~~(B)~~(C)(2) of this section, 17411  
beginning in fiscal year ~~2008~~ 2010, no preschool program, and no 17412  
early childhood education program, or early learning program as 17413  
defined by the department, existing prior to fiscal year 2007, 17414  
shall receive any funds from the state unless every staff member 17415  
employed by that program as a teacher has attained ~~such a~~ an 17416  
associate degree of a type approved by the department. 17417

(2) ~~After July 1, 2010~~ Beginning in fiscal year 2011, no 17418  
preschool program, and no early childhood education program or 17419  
early learning program as defined by the department ~~of education,~~ 17420  
existing prior to fiscal year 2007, shall receive any funds from 17421  
the state unless fifty per cent of the staff members employed by 17422

the program as teachers have attained a bachelor's degree of a type approved by the department.

(D)(1) Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2013, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.

**Sec. 3301.53.** (A) ~~Not later than July 1, 1988, the~~ The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and 17453  
nonteaching employees are recruited, employed, assigned, 17454  
evaluated, and provided inservice education without discrimination 17455  
on the basis of age, color, national origin, race, or sex; and 17456  
that preschool staff members and nonteaching employees are 17457  
assigned responsibilities in accordance with written position 17458  
descriptions commensurate with their training and experience; 17459

(4) A requirement that boards of education intending to 17460  
establish a preschool program ~~on or after March 17, 1989,~~ 17461  
demonstrate a need for a preschool program ~~that is not being met~~ 17462  
~~by any existing program providing child care,~~ prior to 17463  
establishing the program; 17464

(5) Requirements that children participating in preschool 17465  
programs have been immunized to the extent considered appropriate 17466  
by the state board to prevent the spread of communicable disease; 17467

(6) Requirements that the parents of preschool children 17468  
complete the emergency medical authorization form specified in 17469  
section 3313.712 of the Revised Code. 17470

(B) The state board of education in consultation with the 17471  
director of job and family services shall ensure that the rules 17472  
adopted by the state board under sections 3301.52 to 3301.58 of 17473  
the Revised Code are consistent with and meet or exceed the 17474  
requirements of Chapter 5104. of the Revised Code with regard to 17475  
child day-care centers. The state board and the director of job 17476  
and family services shall review all such rules at least once 17477  
every five years. 17478

(C) ~~On or before January 1, 1992, the~~ The state board of 17479  
education, in consultation with the director of job and family 17480  
services, shall adopt rules for school child programs that are 17481  
consistent with and meet or exceed the requirements of the rules 17482  
adopted for school child day-care centers under Chapter 5104. of 17483

the Revised Code.	17484
<b>Sec. 3302.03.</b> (A) Annually the department of education shall	17485
report for each school district and each school building in a	17486
district all of the following:	17487
(1) The extent to which the school district or building meets	17488
each of the applicable performance indicators created by the state	17489
board of education under section 3302.02 of the Revised Code and	17490
the number of applicable performance indicators that have been	17491
achieved;	17492
(2) The performance index score of the school district or	17493
building;	17494
(3) Whether the school district or building has made adequate	17495
yearly progress;	17496
(4) Whether the school district or building is excellent,	17497
effective, needs continuous improvement, is under an academic	17498
watch, or is in a state of academic emergency.	17499
(B) Except as otherwise provided in <del>division</del> <u>divisions</u> (B)(6)	17500
<u>and (7)</u> of this section:	17501
(1) A school district or building shall be declared excellent	17502
if it fulfills one of the following requirements:	17503
(a) It makes adequate yearly progress and either meets at	17504
least ninety-four per cent of the applicable state performance	17505
indicators or has a performance index score established by the	17506
department.	17507
(b) It has failed to make adequate yearly progress for not	17508
more than two consecutive years and either meets at least	17509
ninety-four per cent of the applicable state performance	17510
indicators or has a performance index score established by the	17511
department.	17512

(2) A school district or building shall be declared effective 17513  
if it fulfills one of the following requirements: 17514

(a) It makes adequate yearly progress and either meets at 17515  
least seventy-five per cent but less than ninety-four per cent of 17516  
the applicable state performance indicators or has a performance 17517  
index score established by the department. 17518

(b) It does not make adequate yearly progress and either 17519  
meets at least seventy-five per cent of the applicable state 17520  
performance indicators or has a performance index score 17521  
established by the department, except that if it does not make 17522  
adequate yearly progress for three consecutive years, it shall be 17523  
declared in need of continuous improvement. 17524

(3) A school district or building shall be declared to be in 17525  
need of continuous improvement if it fulfills one of the following 17526  
requirements: 17527

(a) It makes adequate yearly progress, meets less than 17528  
seventy-five per cent of the applicable state performance 17529  
indicators, and has a performance index score established by the 17530  
department. 17531

(b) It does not make adequate yearly progress and either 17532  
meets at least fifty per cent but less than seventy-five per cent 17533  
of the applicable state performance indicators or has a 17534  
performance index score established by the department. 17535

(4) A school district or building shall be declared to be 17536  
under an academic watch if it does not make adequate yearly 17537  
progress and either meets at least thirty-one per cent but less 17538  
than fifty per cent of the applicable state performance indicators 17539  
or has a performance index score established by the department. 17540

(5) A school district or building shall be declared to be in 17541  
a state of academic emergency if it does not make adequate yearly 17542  
progress, does not meet at least thirty-one per cent of the 17543

applicable state performance indicators, and has a performance 17544  
index score established by the department. 17545

(6) When designating performance ratings for school districts 17546  
and buildings under divisions (B)(1) to (5) of this section, the 17547  
department shall not assign a school district or building a lower 17548  
designation from its previous year's designation based solely on 17549  
one subgroup not making adequate yearly progress. 17550

(7) Division (B)(7) of this section does not apply to any 17551  
community school established under Chapter 3314. of the Revised 17552  
Code in which a majority of the students are enrolled in a dropout 17553  
prevention and recovery program. 17554

A school district or building shall not be assigned a higher 17555  
performance rating than in need of continuous improvement if at 17556  
least ten per cent but not more than fifteen per cent of the 17557  
enrolled students do not take all achievement tests prescribed for 17558  
their grade level under section 3301.0710 of the Revised Code from 17559  
which they are not excused pursuant to division (C)(1) or (3) of 17560  
section 3301.0711 of the Revised Code. A school district or 17561  
building shall not be assigned a higher performance rating than 17562  
under an academic watch if more than fifteen per cent but not more 17563  
than twenty per cent of the enrolled students do not take all 17564  
achievement tests prescribed for their grade level under section 17565  
3301.0710 of the Revised Code from which they are not excused 17566  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 17567  
Revised Code. A school district or building shall not be assigned 17568  
a higher performance rating than in a state of academic emergency 17569  
if more than twenty per cent of the enrolled students do not take 17570  
all achievement tests prescribed for their grade level under 17571  
section 3301.0710 of the Revised Code from which they are not 17572  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 17573  
the Revised Code. 17574

(C)(1) The department shall issue annual report cards for 17575

each school district, each building within each district, and for 17576  
the state as a whole reflecting performance on the indicators 17577  
created by the state board under section 3302.02 of the Revised 17578  
Code, the performance index score, and adequate yearly progress. 17579

(2) The department shall include on the report card for each 17580  
district information pertaining to any change from the previous 17581  
year made by the school district or school buildings within the 17582  
district on any performance indicator. 17583

(3) When reporting data on student performance, the 17584  
department shall disaggregate that data according to the following 17585  
categories: 17586

(a) Performance of students by age group; 17587

(b) Performance of students by race and ethnic group; 17588

(c) Performance of students by gender; 17589

(d) Performance of students grouped by those who have been 17590  
enrolled in a district or school for three or more years; 17591

(e) Performance of students grouped by those who have been 17592  
enrolled in a district or school for more than one year and less 17593  
than three years; 17594

(f) Performance of students grouped by those who have been 17595  
enrolled in a district or school for one year or less; 17596

(g) Performance of students grouped by those who are 17597  
economically disadvantaged; 17598

(h) Performance of students grouped by those who are enrolled 17599  
in a conversion community school established under Chapter 3314. 17600  
of the Revised Code; 17601

(i) Performance of students grouped by those who are 17602  
classified as limited English proficient; 17603

(j) Performance of students grouped by those who have 17604



disabilities; 17605

(k) Performance of students grouped by those who are 17606  
classified as migrants; 17607

(l) Performance of students grouped by those who are 17608  
identified as gifted pursuant to Chapter 3324. of the Revised 17609  
Code. 17610

The department may disaggregate data on student performance 17611  
according to other categories that the department determines are 17612  
appropriate. To the extent possible, the department shall 17613  
disaggregate data on student performance according to any 17614  
combinations of two or more of the categories listed in divisions 17615  
(C)(3)(a) to (l) of this section that it deems relevant. 17616

In reporting data pursuant to division (C)(3) of this 17617  
section, the department shall not include in the report cards any 17618  
data statistical in nature that is statistically unreliable or 17619  
that could result in the identification of individual students. 17620  
For this purpose, the department shall not report student 17621  
performance data for any group identified in division (C)(3) of 17622  
this section that contains less than ten students. 17623

(4) The department may include with the report cards any 17624  
additional education and fiscal performance data it deems 17625  
valuable. 17626

(5) The department shall include on each report card a list 17627  
of additional information collected by the department that is 17628  
available regarding the district or building for which the report 17629  
card is issued. When available, such additional information shall 17630  
include student mobility data disaggregated by race and 17631  
socioeconomic status, college enrollment data, and the reports 17632  
prepared under section 3302.031 of the Revised Code. 17633

The department shall maintain a site on the world wide web. 17634  
The report card shall include the address of the site and shall 17635

specify that such additional information is available to the 17636  
public at that site. The department shall also provide a copy of 17637  
each item on the list to the superintendent of each school 17638  
district. The district superintendent shall provide a copy of any 17639  
item on the list to anyone who requests it. 17640

(6)(a) This division does not apply to conversion community 17641  
schools that primarily enroll students between sixteen and 17642  
twenty-two years of age who dropped out of high school or are at 17643  
risk of dropping out of high school due to poor attendance, 17644  
disciplinary problems, or suspensions. 17645

For any district that sponsors a conversion community school 17646  
under Chapter 3314. of the Revised Code, the department shall 17647  
combine data regarding the academic performance of students 17648  
enrolled in the community school with comparable data from the 17649  
schools of the district for the purpose of calculating the 17650  
performance of the district as a whole on the report card issued 17651  
for the district. 17652

(b) Any district that leases a building to a community school 17653  
located in the district or that enters into an agreement with a 17654  
community school located in the district whereby the district and 17655  
the school endorse each other's programs may elect to have data 17656  
regarding the academic performance of students enrolled in the 17657  
community school combined with comparable data from the schools of 17658  
the district for the purpose of calculating the performance of the 17659  
district as a whole on the district report card. Any district that 17660  
so elects shall annually file a copy of the lease or agreement 17661  
with the department. 17662

(7) The department shall include on each report card the 17663  
percentage of teachers in the district or building who are highly 17664  
qualified, as defined by the "No Child Left Behind Act of 2001," 17665  
and a comparison of that percentage with the percentages of such 17666  
teachers in similar districts and buildings. 17667

(8) The department shall include on the report card the number of master teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code;

(9) The department shall display a designation of "Ohio Core Certified School District" or "Ohio Core Certified Community School" on the report card for each school district or community school, respectively, submitting evidence satisfactory to the department that, in the school year to which the report card pertains, the district or school both:

(a) Offered all components of the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code for its high school students;

(b) Applied the fine arts education requirement of division (K) of that section.

The department shall display the designation on report cards published in 2008 through 2013 for the 2007-2008 through 2012-2013 school years. The department shall list on the web site established under division (C)(5) of this section the school districts and community schools designated as Ohio core certified.

(D)(1) In calculating reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district or building performance under this section, the department shall include all students taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate

yearly progress for school districts and buildings under this 17699  
section, the department shall do all of the following: 17700

(a) Include for each district or building only those students 17701  
who are included in the ADM certified for the first full school 17702  
week of October and are continuously enrolled in the district or 17703  
building through the time of the spring administration of any test 17704  
prescribed by section 3301.0710 of the Revised Code that is 17705  
administered to the student's grade level; 17706

(b) Include cumulative totals from both the fall and spring 17707  
administrations of the third grade reading achievement test; 17708

(c) Except as required by the "No Child Left Behind Act of 17709  
2001" for the calculation of adequate yearly progress, exclude for 17710  
each district or building any limited English proficient student 17711  
who has been enrolled in United States schools for less than one 17712  
full school year. 17713

**Sec. 3302.10.** (A) Beginning July 1, 2007, the superintendent 17714  
of public instruction shall establish an academic distress 17715  
commission for each school district that has been declared to be 17716  
in a state of academic emergency pursuant to section 3302.03 of 17717  
the Revised Code and has failed to make adequate yearly progress 17718  
for four or more consecutive school years. Each commission shall 17719  
assist the district for which it was established in improving the 17720  
district's academic performance. 17721

Each commission is a body both corporate and politic, 17722  
constituting an agency and instrumentality of the state and 17723  
performing essential governmental functions of the state. A 17724  
commission shall be known as the "academic distress commission for 17725  
..... (name of school district)," and, in that name, may 17726  
exercise all authority vested in such a commission by this 17727  
section. A separate commission shall be established for each 17728  
school district to which this division applies. 17729

(B) Each academic distress commission shall consist of five 17730  
voting members, three of whom shall be appointed by the 17731  
superintendent of public instruction and two of whom shall be 17732  
residents of the applicable school district appointed by the 17733  
president of the district board of education ~~of the applicable~~ 17734  
~~school district~~. When a school district becomes subject to this 17735  
section, the superintendent of public instruction shall provide 17736  
written notification of that fact to the district board of 17737  
education and shall request the president of the district board to 17738  
submit to the superintendent of public instruction, in writing, 17739  
the names of the president's appointees to the commission. The 17740  
superintendent of public instruction and the president of the 17741  
district board shall make appointments to the commission within 17742  
thirty days after the district is notified that it is subject to 17743  
this section. 17744

Members of the commission shall serve at the pleasure of 17745  
their appointing authority during the life of the commission. In 17746  
the event of the death, resignation, incapacity, removal, or 17747  
ineligibility to serve of a member, the appointing authority shall 17748  
appoint a successor within fifteen days after the vacancy occurs. 17749  
Members shall serve without compensation, but shall be paid by the 17750  
commission their necessary and actual expenses incurred while 17751  
engaged in the business of the commission. 17752

(C) Immediately after appointment of the initial members of 17753  
an academic distress commission, the superintendent of public 17754  
instruction shall call the first meeting of the commission and 17755  
shall cause written notice of the time, date, and place of that 17756  
meeting to be given to each member of the commission at least 17757  
forty-eight hours in advance of the meeting. The first meeting 17758  
shall include an overview of the commission's roles and 17759  
responsibilities, the requirements of section 2921.42 and Chapter 17760  
102. of the Revised Code as they pertain to commission members, 17761

the requirements of section 121.22 of the Revised Code, and the 17762  
provisions of division (F) of this section. At its first meeting, 17763  
the commission shall adopt temporary bylaws in accordance with 17764  
division (D) of this section to govern its operations until the 17765  
adoption of permanent bylaws. 17766

The superintendent of public instruction shall designate a 17767  
chairperson for the commission from among the members appointed by 17768  
the superintendent. The chairperson shall call and conduct 17769  
meetings, set meeting agendas, and serve as a liaison between the 17770  
commission and the district board of education. The chairperson 17771  
also shall appoint a secretary, who shall not be a member of the 17772  
commission. 17773

The department of education shall provide administrative 17774  
support for the commission, provide data requested by the 17775  
commission, and inform the commission of available state resources 17776  
that could assist the commission in its work. 17777

(D) Each academic distress commission may adopt and alter 17778  
bylaws and rules, which shall not be subject to section 111.15 or 17779  
Chapter 119. of the Revised Code, for the conduct of its affairs 17780  
and for the manner, subject to this section, in which its powers 17781  
and functions shall be exercised and embodied. 17782

(E) Three members of an academic distress commission 17783  
constitute a quorum of the commission. The affirmative vote of 17784  
three members of the commission is necessary for any action taken 17785  
by vote of the commission. No vacancy in the membership of the 17786  
commission shall impair the rights of a quorum by such vote to 17787  
exercise all the rights and perform all the duties of the 17788  
commission. Members of the commission are not disqualified from 17789  
voting by reason of the functions of any other office they hold 17790  
and are not disqualified from exercising the functions of the 17791  
other office with respect to the school district, its officers, or 17792  
the commission. 17793

(F) The members of an academic distress commission, the superintendent of public instruction, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the commission, superintendent of public instruction, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section. 17794  
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(G) Each member of an academic distress commission shall file the statement described in section 102.02 of the Revised Code with the Ohio ethics commission. The statement shall be confidential, subject to review, as described in division (B) of that section. 17804  
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(H) Meetings of each academic distress commission shall be subject to section 121.22 of the Revised Code. 17808  
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(I)(1) Within one hundred twenty days after the first meeting of an academic distress commission, the commission shall adopt an academic recovery plan to improve academic performance in the school district. The plan shall address academic problems at both the district and school levels. The plan shall include the following: 17810  
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(a) Short-term and long-term actions to be taken to improve the district's academic performance, including any actions required by section 3302.04 of the Revised Code; 17816  
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(b) The sequence and timing of the actions described in division (I)(1)(a) of this section and the persons responsible for implementing the actions; 17819  
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(c) Resources that will be applied toward improvement efforts; 17822  
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(d) Procedures for monitoring and evaluating improvement 17824

<u>efforts;</u>	17825
<u>(e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts.</u>	17826
<u>(2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually.</u>	17828
<u>(3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it.</u>	17829
<u>(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan.</u>	17830
<u>(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final.</u>	17831
The commission may do any of the following:	17832
(1) Appoint school building administrators and reassign administrative personnel;	17833
(2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division.	17834
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(3) Contract with a private entity to perform school or district management functions; 17855  
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(4) Establish a budget for the district and approve district appropriations and expenditures, unless a financial planning and supervision commission has been established for the district pursuant to section 3316.05 of the Revised Code. 17857  
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~~(D)~~(K) If the board of education of a district for which an academic distress commission has been established under this section renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the district board shall not enter into any agreement that would render any decision of the commission unenforceable. Section 3302.08 of the Revised Code does not apply to this division. 17861  
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after ~~the effective date of this section~~ September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the district board shall resume holding those rights or responsibilities as if it had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. The provisions of this paragraph apply to a collective bargaining agreement entered into after ~~the effective date of this section~~ September 29, 2005, and those provisions are deemed to be part of that agreement regardless of whether the district satisfied the conditions prescribed in division (A) of this section at the time the district entered into that agreement. 17868  
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~~(E)~~(L) An academic distress commission shall cease to exist 17886

when the district for which it was established receives a 17887  
performance rating under section 3302.03 of the Revised Code of in 17888  
need of continuous improvement or better for two ~~out~~ of the three 17889  
prior school years; however, the superintendent of public 17890  
instruction may dissolve the commission earlier if the 17891  
superintendent determines that the district can perform adequately 17892  
without the supervision of the commission. Upon termination of the 17893  
commission, the department of education shall compile a final 17894  
report of the commission's activities to assist other academic 17895  
distress commissions in the conduct of their functions. 17896

Sec. 3303.20. The superintendent of public instruction shall 17897  
appoint a supervisor of agricultural education within the 17898  
department of education. The supervisor shall be responsible for 17899  
administering and disseminating to school districts information 17900  
about agricultural education. 17901

The department shall maintain an appropriate number of 17902  
full-time employees focusing on agricultural education. The 17903  
department shall employ at least three program consultants who 17904  
shall be available to provide assistance to school districts on a 17905  
regional basis throughout the state. At least one consultant may 17906  
coordinate local activities of the student organization known as 17907  
the future farmers of America. 17908

**Sec. 3310.41.** (A) As used in this section: 17909

(1) "Alternative public provider" means either of the 17910  
following providers that agrees to enroll a child in the 17911  
provider's special education program to implement the child's 17912  
individualized education program and to which the child's parent 17913  
owes fees for the services provided to the child: 17914

(a) A school district that is not the school district in 17915  
which the child is entitled to attend school; 17916

(b) A public entity other than a school district.	17917
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	17918 17919 17920
(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	17921 17922
(4) " <del>Handicapped preschool</del> <u>Preschool child with a disability</u> " and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	17923 17924 17925
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.	17926 17927 17928
(6) "Preschool scholarship ADM" means the number of <del>handicapped</del> preschool children <u>with disabilities</u> reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	17929 17930 17931
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	17932 17933
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	17934 17935 17936 17937 17938
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.	17939 17940 17941
(c) The child either:	17942
(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or	17943 17944 17945 17946

(ii) Is eligible to enter school in any grade preschool 17947  
through twelve in the school district in which the child is 17948  
entitled to attend school in the school year in which a 17949  
scholarship under this section is first sought for the child. 17950

(8) "Registered private provider" means a nonpublic school or 17951  
other nonpublic entity that has been approved by the ~~Department~~ 17952  
department of Education education to participate in the program 17953  
established under this section. 17954

(9) "Special education program" means a school or facility 17955  
that provides special education and related services to children 17956  
with disabilities. 17957

(B) There is hereby established the autism scholarship 17958  
program. Under the program, the department of education shall pay 17959  
a scholarship to the parent of each qualified special education 17960  
child upon application of that parent pursuant to procedures and 17961  
deadlines established by rule of the state board of education. 17962  
Each scholarship shall be used only to pay tuition for the child 17963  
on whose behalf the scholarship is awarded to attend a special 17964  
education program that implements the child's individualized 17965  
education program and that is operated by an alternative public 17966  
provider or by a registered private provider. Each scholarship 17967  
shall be in an amount not to exceed the lesser of the tuition 17968  
charged for the child by the special education program or twenty 17969  
thousand dollars. The purpose of the scholarship is to permit the 17970  
parent of a qualified special education child the choice to send 17971  
the child to a special education program, instead of the one 17972  
operated by or for the school district in which the child is 17973  
entitled to attend school, to receive the services prescribed in 17974  
the child's individualized education program once the 17975  
individualized education program is finalized. A scholarship under 17976  
this section shall not be awarded to the parent of a child while 17977  
the child's individualized education program is being developed by 17978

the school district in which the child is entitled to attend 17979  
school, or while any administrative or judicial mediation or 17980  
proceedings with respect to the content of the child's 17981  
individualized education program are pending. A scholarship under 17982  
this section shall not be used for a child to attend a public 17983  
special education program that operates under a contract, compact, 17984  
or other bilateral agreement between the school district in which 17985  
the child is entitled to attend school and another school district 17986  
or other public provider, or for a child to attend a community 17987  
school established under Chapter 3314. of the Revised Code. 17988  
However, nothing in this section or in any rule adopted by the 17989  
state board shall prohibit a parent whose child attends a public 17990  
special education program under a contract, compact, or other 17991  
bilateral agreement, or a parent whose child attends a community 17992  
school, from applying for and accepting a scholarship under this 17993  
section so that the parent may withdraw the child from that 17994  
program or community school and use the scholarship for the child 17995  
to attend a special education program for which the parent is 17996  
required to pay for services for the child. A child attending a 17997  
special education program with a scholarship under this section 17998  
shall continue to be entitled to transportation to and from that 17999  
program in the manner prescribed by law. 18000

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 18001  
(B)(10) of section 3317.03 of the Revised Code, a child who is not 18002  
a ~~handicapped~~ preschool child with a disability for whom a 18003  
scholarship is awarded under this section shall be counted in the 18004  
formula ADM and the category six special education ADM of the 18005  
district in which the child is entitled to attend school and not 18006  
in the formula ADM and the category six special education ADM of 18007  
any other school district. As prescribed in divisions (B)(3)(h) 18008  
and (B)(10) of section 3317.03 of the Revised Code, a child who is 18009  
a ~~handicapped~~ preschool child with a disability for whom a 18010  
scholarship is awarded under this section shall be counted in the 18011

preschool scholarship ADM and category six special education ADM 18012  
of the school district in which the child is entitled to attend 18013  
school and not in the preschool scholarship ADM or category six 18014  
special education ADM of any other school district. 18015

(2) In each fiscal year, the department shall deduct from the 18016  
amounts paid to each school district under Chapter 3317. of the 18017  
Revised Code, and, if necessary, sections 321.24 and 323.156 of 18018  
the Revised Code, the aggregate amount of scholarships awarded 18019  
under this section for qualified special education children 18020  
included in the formula ADM, or preschool scholarship ADM, and in 18021  
the category six special education ADM of that school district as 18022  
provided in division (C)(1) of this section. The scholarships 18023  
deducted shall be considered as an approved special education and 18024  
related services expense for the purpose of the school district's 18025  
compliance with division (C)(5) of section 3317.022 of the Revised 18026  
Code. 18027

(3) From time to time, the department shall make a payment to 18028  
the parent of each qualified special education child for whom a 18029  
scholarship has been awarded under this section. The scholarship 18030  
amount shall be proportionately reduced in the case of any such 18031  
child who is not enrolled in the special education program for 18032  
which a scholarship was awarded under this section for the entire 18033  
school year. The department shall make no payments to the parent 18034  
of a child while any administrative or judicial mediation or 18035  
proceedings with respect to the content of the child's 18036  
individualized education program are pending. 18037

(D) A scholarship shall not be paid to a parent for payment 18038  
of tuition owed to a nonpublic entity unless that entity is a 18039  
registered private provider. The department shall approve entities 18040  
that meet the standards established by rule of the state board for 18041  
the program established under this section. 18042

(E) The state board shall adopt rules under Chapter 119. of 18043

the Revised Code prescribing procedures necessary to implement 18044  
this section, including, but not limited to, procedures and 18045  
deadlines for parents to apply for scholarships, standards for 18046  
registered private providers, and procedures for approval of 18047  
entities as registered private providers. 18048

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 18049  
Revised Code: 18050

(A) "Alternative public provider" means either of the 18051  
following providers that agrees to enroll a child in the 18052  
provider's special education program to implement the child's 18053  
individualized education program and to which the eligible 18054  
applicant owes fees for the services provided to the child: 18055

(1) A school district that is not the school district in 18056  
which the child is entitled to attend school or the child's school 18057  
district of residence, if different; 18058

(2) A public entity other than a school district. 18059

(B) "Applicable special education weight" means the multiple 18060  
specified in section 3317.013 of the Revised Code for a disability 18061  
described in that section. 18062

(C) "Category one through six special education ADM" means 18063  
the respective categories prescribed in divisions (F)(1) to (6) of 18064  
section 3317.02 of the Revised Code. 18065

(D) "Child with a disability" and "individualized education 18066  
program" have the same meanings as in section 3323.01 of the 18067  
Revised Code. 18068

(E) "Eligible applicant" means any of the following: 18069

(1) Either of the natural or adoptive parents of a qualified 18070  
special education child, except as otherwise specified in this 18071  
division. When the marriage of the natural or adoptive parents of 18072  
the student has been terminated by a divorce, dissolution of 18073

marriage, or annulment, or when the natural or adoptive parents of 18074  
the student are living separate and apart under a legal separation 18075  
decree, and a court has issued an order allocating the parental 18076  
rights and responsibilities with respect to the child, "eligible 18077  
applicant" means the residential parent as designated by the 18078  
court. If the court issues a shared parenting decree, "eligible 18079  
applicant" means either parent. "Eligible applicant" does not mean 18080  
a parent whose custodial rights have been terminated. 18081

(2) The custodian of a qualified special education child, 18082  
when a court has granted temporary, legal, or permanent custody of 18083  
the child to an individual other than either of the natural or 18084  
adoptive parents of the child or to a government agency; 18085

(3) The guardian of a qualified special education child, when 18086  
a court has appointed a guardian for the child; 18087

(4) The grandparent of a qualified special education child, 18088  
when the grandparent is the child's attorney in fact under a power 18089  
of attorney executed under sections 3109.51 to 3109.62 of the 18090  
Revised Code or when the grandparent has executed a caregiver 18091  
authorization affidavit under sections 3109.65 to 3109.73 of the 18092  
Revised Code; 18093

(5) The surrogate parent appointed for a qualified special 18094  
education child pursuant to division (B) of section 3323.05 and 18095  
section 3323.051 of the Revised Code; 18096

(6) A qualified special education child, if the child does 18097  
not have a custodian or guardian and the child is at least 18098  
eighteen years of age. 18099

(F) "Entitled to attend school" means entitled to attend 18100  
school in a school district under sections 3313.64 and 3313.65 of 18101  
the Revised Code. 18102

(G) "Formula ADM" and "formula amount" have the same meanings 18103  
as in section 3317.02 of the Revised Code. 18104



<u>(H) "Qualified special education child" is a child for whom</u>	18105
<u>all of the following conditions apply:</u>	18106
<u>(1) The child is at least five years of age and less than</u>	18107
<u>twenty-two years of age;</u>	18108
<u>(2) The school district in which the child is entitled to</u>	18109
<u>attend school, or the child's school district of residence if</u>	18110
<u>different, has identified the child as a child with a disability;</u>	18111
<u>(3) The school district in which the child is entitled to</u>	18112
<u>attend school, or the child's school district of residence if</u>	18113
<u>different, has developed an individualized education program under</u>	18114
<u>Chapter 3323. of the Revised Code for the child;</u>	18115
<u>(4) The child either:</u>	18116
<u>(a) Was enrolled in the schools of the school district in</u>	18117
<u>which the child is entitled to attend school in any grade from</u>	18118
<u>kindergarten through twelve in the school year prior to the school</u>	18119
<u>year in which a scholarship is first sought for the child;</u>	18120
<u>(b) Is eligible to enter school in any grade kindergarten</u>	18121
<u>through twelve in the school district in which the child is</u>	18122
<u>entitled to attend school in the school year in which a</u>	18123
<u>scholarship is first sought for the child.</u>	18124
<u>(I) "Registered private provider" means a nonpublic school or</u>	18125
<u>other nonpublic entity that has been registered by the</u>	18126
<u>superintendent of public instruction under section 3310.58 of the</u>	18127
<u>Revised Code.</u>	18128
<u>(J) "Scholarship" means a scholarship awarded under the</u>	18129
<u>special education scholarship pilot program pursuant to sections</u>	18130
<u>3310.51 to 3310.63 of the Revised Code.</u>	18131
<u>(K) "School district of residence" has the same meaning as in</u>	18132
<u>section 3323.01 of the Revised Code. A community school</u>	18133
<u>established under Chapter 3314. of the Revised Code is not a</u>	18134

"school district of residence" for purposes of sections 3310.51 to 18135  
3310.63 of the Revised Code. 18136

(L) "School year" has the same meaning as in section 3313.62 18137  
of the Revised Code. 18138

(M) "Special education program" means a school or facility 18139  
that provides special education and related services to children 18140  
with disabilities. 18141

Sec. 3310.52. (A) The special education scholarship pilot 18142  
program is hereby established. Under the program, in fiscal years 18143  
2009 through 2014, subject to division (B) of this section, the 18144  
department of education annually shall pay a scholarship to an 18145  
alternative public provider or a registered private provider on 18146  
behalf of an eligible applicant for services provided for a 18147  
qualified special education child. The scholarship shall be used 18148  
only to pay all or part of the fees for the child to attend the 18149  
special education program operated by the alternative public 18150  
provider or registered private provider to implement the child's 18151  
individualized education program in lieu of the child's attending 18152  
the special education program operated by the school district in 18153  
which the child is entitled to attend school. 18154

(B) The number of scholarships awarded under the pilot 18155  
program in any fiscal year shall not exceed three per cent of the 18156  
total number of students residing in the state identified as 18157  
children with disabilities during the previous fiscal year. 18158

(C) No scholarship or renewal of a scholarship shall be 18159  
awarded to an eligible applicant on behalf of a qualified special 18160  
education child for the next school year, unless on or before the 18161  
fifteenth day of April the eligible applicant completes the 18162  
application for the scholarship or renewal, in the manner 18163  
prescribed by the department, and notifies the school district in 18164  
which the child is entitled to attend school that the eligible 18165

applicant has applied for the scholarship or renewal. 18166

Sec. 3310.53. (A) Except for development of the child's 18167  
individualized education program, as specified in division (B) of 18168  
this section, the school district in which a qualified special 18169  
education child is entitled to attend school and the child's 18170  
school district of residence, if different, are not obligated to 18171  
provide the child with a free appropriate public education under 18172  
Chapter 3323. of the Revised Code for as long as the child 18173  
continues to attend the special education program operated by 18174  
either an alternative public provider or a registered private 18175  
provider for which a scholarship is awarded under the special 18176  
education scholarship pilot program. If at any time, the eligible 18177  
applicant for the child decides no longer to accept scholarship 18178  
payments and enrolls the child in the special education program of 18179  
the school district in which the child is entitled to attend 18180  
school, that district shall provide the child with a free 18181  
appropriate public education under Chapter 3323. of the Revised 18182  
Code. 18183

(B) Each eligible applicant and each qualified special 18184  
education child have a continuing right to the development of an 18185  
individualized education program for the child that complies with 18186  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 18187  
administrative rules or guidelines adopted by the Ohio department 18188  
of education or the United States department of education. The 18189  
school district in which a qualified special education child is 18190  
entitled to attend school, or the child's school district of 18191  
residence if different, shall develop each individualized 18192  
education program for the child in accordance with those 18193  
provisions. 18194

(C) Each school district shall notify an eligible applicant 18195  
of the applicant's and qualified special education child's rights 18196

under sections 3310.51 to 3310.63 of the Revised Code by providing 18197  
to each eligible applicant the comparison document prescribed in 18198  
section 3323.052 of the Revised Code. An eligible applicant's 18199  
receipt of that document, as acknowledged in a format prescribed 18200  
by the department of education, shall constitute notice that the 18201  
eligible applicant has been informed of those rights. Upon receipt 18202  
of that document, subsequent acceptance of a scholarship 18203  
constitutes the eligible applicant's informed consent to the 18204  
provisions of sections 3310.51 to 3310.63 of the Revised Code. 18205

**Sec. 3310.54.** As prescribed in divisions (A)(2)(h), 18206  
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 18207  
Code, a qualified special education child in any of grades 18208  
kindergarten through twelve for whom a scholarship is awarded 18209  
under the special education scholarship pilot program shall be 18210  
counted in the formula ADM and category one through six special 18211  
education ADM, as appropriate, of the school district in which the 18212  
child is entitled to attend school. A qualified special education 18213  
child shall not be counted in the formula ADM or category one 18214  
through six special education ADM of any other school district. 18215

**Sec. 3310.55.** The department of education shall deduct from a 18216  
school district's state education aid, as defined in section 18217  
3317.02 of the Revised Code, and, if necessary, from its payment 18218  
under sections 321.24 and 323.156 of the Revised Code, the 18219  
aggregate amount of scholarships paid under section 3310.57 of the 18220  
Revised Code for qualified special education children included in 18221  
the formula ADM and the category one through six special education 18222  
ADM of that school district. 18223

**Sec. 3310.56.** The amount of the scholarship awarded and paid 18224  
on behalf of an eligible applicant for services for a qualified 18225  
special education child under the special education scholarship 18226

<u>pilot program in each school year shall be the least of the</u>	18227
<u>following:</u>	18228
<u>(A) The amount of fees charged for that school year by the</u>	18229
<u>alternative public provider or registered private provider;</u>	18230
<u>(B) The sum of the amounts calculated under divisions (B)(1)</u>	18231
<u>and (2) of this section:</u>	18232
<u>(1) The sum of the formula amount plus the per pupil amount</u>	18233
<u>of the base funding supplements specified in divisions (C)(1) to</u>	18234
<u>(4) of section 3317.012 of the Revised Code;</u>	18235
<u>(2) The formula amount times the applicable special education</u>	18236
<u>weight for the child's disability;</u>	18237
<u>(C) Twenty thousand dollars.</u>	18238
<u>Sec. 3310.57. The department of education shall make periodic</u>	18239
<u>payments to an alternative public provider or a registered private</u>	18240
<u>provider on behalf of an eligible applicant for services for each</u>	18241
<u>qualified special education child for whom a scholarship has been</u>	18242
<u>awarded. The total of all payments made on behalf of an applicant</u>	18243
<u>in each school year shall not exceed the amount calculated for the</u>	18244
<u>child under section 3310.56 of the Revised Code.</u>	18245
	18246
<u>The scholarship amount shall be proportionately reduced in</u>	18247
<u>the case of a child who is not enrolled in the special education</u>	18248
<u>program of an alternative public provider or a registered private</u>	18249
<u>provider for the entire school year.</u>	18250
<u>In accordance with division (A) of section 3310.62 of the</u>	18251
<u>Revised Code, the department shall make no payments on behalf of</u>	18252
<u>an applicant for a first-time scholarship for a qualified special</u>	18253
<u>education child while any administrative or judicial mediation or</u>	18254
<u>proceedings with respect to the content of the child's</u>	18255
<u>individualized education program are pending.</u>	18256

Sec. 3310.58. No nonpublic school or entity shall receive 18257  
payments for services for a qualified special education child 18258  
under the special education scholarship pilot program until the 18259  
school or entity registers with the superintendent of public 18260  
instruction. The superintendent shall register and designate as a 18261  
registered private provider any nonpublic school or entity that 18262  
meets the following requirements: 18263

(A) The special education program operated by the school or 18264  
entity meets the minimum education standards established by the 18265  
state board of education. 18266

(B) The school or entity complies with the antidiscrimination 18267  
provisions of 42 U.S.C. 2000d, regardless of whether the school or 18268  
entity receives federal financial assistance. 18269

(C) If the school or entity is not chartered by the state 18270  
board under section 3301.16 of the Revised Code, the school or 18271  
entity agrees to comply with section 3319.39 of the Revised Code 18272  
as if it were a school district. 18273

(D) The teaching and nonteaching professionals employed by 18274  
the school or entity, or employed by any subcontractors of the 18275  
school or entity, hold credentials determined by the state board 18276  
to be appropriate for the qualified special education children 18277  
enrolled in the special education program it operates. 18278

(E) The school or entity meets applicable health and safety 18279  
standards established by law for school buildings. 18280

(F) The school or entity agrees to retain on file 18281  
documentation as required by the department of education. 18282

(G) The school or entity demonstrates fiscal soundness to the 18283  
satisfaction of the department. 18284

(H) The school or entity agrees to meet other requirements 18285  
established by rule of the state board under section 3310.63 of 18286

the Revised Code. 18287

Sec. 3310.59. The superintendent of public instruction shall 18288  
revoke the registration of any school or entity if, after a 18289  
hearing, the superintendent determines that the school or entity 18290  
is in violation of any provision of section 3310.58 of the Revised 18291  
Code. 18292

Sec. 3310.60. A qualified special education child attending a 18293  
special education program at an alternative public provider or a 18294  
registered private provider with a scholarship shall be entitled 18295  
to transportation to and from that program in the manner 18296  
prescribed by law for any child with a disability attending a 18297  
nonpublic special education program. 18298

Sec. 3310.61. An eligible applicant on behalf of a child who 18299  
currently attends a public special education program under a 18300  
contract, compact, or other bilateral agreement, or on behalf of a 18301  
child who currently attends a community school, shall not be 18302  
prohibited from applying for and accepting a scholarship so that 18303  
the applicant may withdraw the child from that program or 18304  
community school and use the scholarship for the child to attend a 18305  
special education program operated by an alternative public 18306  
provider or a registered private provider. 18307

Sec. 3310.62. (A) A scholarship under the special education 18308  
scholarship pilot program shall not be awarded for the first time 18309  
to an eligible applicant on behalf of a qualified special 18310  
education child while the child's individualized education program 18311  
is being developed by the school district in which the child is 18312  
entitled to attend school, or by the child's school district of 18313  
residence if different, or while any administrative or judicial 18314  
mediation or proceedings with respect to the content of that 18315

individualized education program are pending. 18316

(B) Development of individualized education programs 18317  
subsequent to the one developed for the child the first time a 18318  
scholarship was awarded on behalf of the child and the 18319  
prosecuting, by the eligible applicant on behalf of the child, of 18320  
administrative or judicial mediation or proceedings with respect 18321  
to any of those subsequent individualized education programs do 18322  
not affect the applicant's and the child's continued eligibility 18323  
for scholarship payments. 18324

(C) In the case of any child for whom a scholarship has been 18325  
awarded, if the school district in which the child is entitled to 18326  
attend school has agreed to provide some services for the child 18327  
under an agreement entered into with the eligible applicant or 18328  
with the alternative public provider or registered private 18329  
provider implementing the child's individualized education 18330  
program, or if the district is required by law to provide some 18331  
services for the child, including transportation services under 18332  
sections 3310.60 and 3327.01 of the Revised Code, the district 18333  
shall not discontinue the services it is providing pending 18334  
completion of any administrative proceedings regarding those 18335  
services. The prosecuting, by the eligible applicant on behalf of 18336  
the child, of administrative proceedings regarding the services 18337  
provided by the district does not affect the applicant's and the 18338  
child's continued eligibility for scholarship payments. 18339

(D) The department of education shall continue to make 18340  
payments to the alternative public provider or registered private 18341  
provider on behalf of the eligible applicant under section 3310.57 18342  
of the Revised Code while either of the following are pending: 18343

(1) Administrative or judicial mediation or proceedings with 18344  
respect to a subsequent individualized education program for the 18345  
child referred to in division (B) of this section; 18346



(2) Administrative proceedings regarding services provided by 18347  
the district under division (C) of this section. 18348

Sec. 3310.63. The state board of education shall adopt rules 18349  
in accordance with Chapter 119. of the Revised Code prescribing 18350  
procedures necessary to implement sections 3310.51 to 3310.62 of 18351  
the Revised Code including, but not limited to, procedures for 18352  
parents to apply for scholarships, standards for registered 18353  
private providers, and procedures for registration of private 18354  
providers. 18355

Sec. 3311.24. (A)(1) Except as provided in division (B) of 18356  
this section, ~~if~~ the board of education of a city, exempted 18357  
village, or local school district ~~deems it advisable~~ shall file 18358  
with the state board of education a proposal to transfer territory 18359  
from such district to an adjoining city, exempted village, or 18360  
local school district, ~~or if a~~ in any of the following 18361  
circumstances: 18362

(a) The district board deems the transfer advisable; 18363

(b) A petition, signed by seventy-five per cent of the 18364  
qualified electors residing within that portion of a city, 18365  
exempted village, or local school district proposed to be 18366  
transferred voting at the last general election, requests such a 18367  
transfer, ~~the~~ 18368

(c) If no qualified electors reside in that portion of the 18369  
district proposed to be transferred, a petition, signed by 18370  
seventy-five per cent of the owners of parcels of real property on 18371  
the tax duplicate within that portion of the district, requests 18372  
such a transfer. 18373

(2) The board of education of the district in which such 18374  
proposal originates shall file such proposal, together with a map 18375  
showing the boundaries of the territory proposed to be 18376

transferred, with the state board of education prior to the first 18377  
day of April in any even-numbered year. The state board of 18378  
education may, if it is advisable, provide for a hearing in any 18379  
suitable place in any of the school districts affected by such 18380  
proposed transfer of territory. The state board of education or 18381  
its representatives shall preside at any such hearing. 18382

(3) A board of education of a city, exempted village, or 18383  
local school district that receives a petition of transfer signed 18384  
by electors of the district under ~~this~~ division (A)(1)(b) of this 18385  
section shall cause the board of elections to check the 18386  
sufficiency of signatures on the petition. A board of education of 18387  
a city, exempted village, or local school district that receives a 18388  
petition of transfer signed by owners of parcels of real property 18389  
under division (A)(1)(c) of this section shall cause the county 18390  
auditor to check the sufficiency of signatures on the petition. 18391

(4) Not later than the first day of September the state board 18392  
of education shall either approve or disapprove a proposed 18393  
transfer of territory filed with it as provided by this section 18394  
and shall notify, in writing, the boards of education of the 18395  
districts affected by such proposed transfer of territory of its 18396  
decision. 18397

If the decision of the state board of education is an 18398  
approval of the proposed transfer of territory then the board of 18399  
education of the district in which the territory is located shall, 18400  
within thirty days after receiving the state board of education's 18401  
decision, adopt a resolution transferring the territory and shall 18402  
forthwith submit a copy of such resolution to the treasurer of the 18403  
board of education of the city, exempted village, or local school 18404  
district to which the territory is transferred. Such transfer 18405  
shall not be complete however, until: 18406

~~(1)~~(a) A resolution accepting the transfer has been passed by 18407  
a majority vote of the full membership of the board of education 18408

of the city, exempted village, or local school district to which 18409  
the territory is transferred; 18410

~~(2)~~(b) An equitable division of the funds and indebtedness 18411  
between the districts involved has been made by the board of 18412  
education making the transfer; 18413

~~(3)~~(c) A map showing the boundaries of the territory 18414  
transferred has been filed, by the board of education accepting 18415  
the transfer, with the county auditor of each county affected by 18416  
the transfer. 18417

When such transfer is complete the legal title of the school 18418  
property in the territory transferred shall be vested in the board 18419  
of education or governing board of the school district to which 18420  
the territory is transferred. 18421

(B) Whenever the transfer of territory pursuant to this 18422  
section is initiated by a board of education, the board shall, 18423  
before filing a proposal for transfer with the state board of 18424  
education under this section, make a good faith effort to 18425  
negotiate the terms of transfer with any other school district 18426  
whose territory would be affected by the transfer. Before the 18427  
state board may hold a hearing on the transfer, or approve or 18428  
disapprove any such transfer, it must receive the following: 18429

(1) A resolution requesting approval of the transfer, passed 18430  
by the school district submitting the proposal; 18431

(2) Evidence determined to be sufficient by the state board 18432  
to show that good faith negotiations have taken place or that the 18433  
district requesting the transfer has made a good faith effort to 18434  
hold such negotiations; 18435

(3) If any negotiations took place, a statement signed by all 18436  
boards that participated in the negotiations, listing the terms 18437  
agreed on and the points on which no agreement could be reached. 18438

Negotiations held pursuant to this section shall be governed 18439  
by the rules adopted by the state board under division (D) of 18440  
section 3311.06 of the Revised Code. Districts involved in a 18441  
transfer under division (B) of this section may agree to share 18442  
revenues from the property included in the territory to be 18443  
transferred, establish cooperative programs between the 18444  
participating districts, and establish mechanisms for the 18445  
settlement of any future boundary disputes. 18446

**Sec. 3311.51.** Nothing in this section or sections 3311.50 and 18447  
5705.215 of the Revised Code shall be construed to permit or 18448  
require the education of ~~handicapped~~ children with disabilities 18449  
other than in the manner required by Chapter 3323. of the Revised 18450  
Code. To the maximum extent appropriate, ~~handicapped~~ children with 18451  
disabilities shall be educated with ~~nonhandicapped~~ nondisabled 18452  
children. 18453

The governing board that is taxing authority of a county 18454  
school financing district that levies a tax pursuant to section 18455  
5705.215 of the Revised Code may, by resolution adopted by 18456  
majority vote of its members, expend the proceeds of such tax for 18457  
the benefit of school districts with territory in the county 18458  
school financing district in accordance with this section and the 18459  
resolution to levy the tax. 18460

(A) In the case of a district created for special education, 18461  
as described in division (B)(1) of section 3311.50 of the Revised 18462  
Code, the proceeds may be expended either: 18463

(1) To pay for operating costs and permanent improvements 18464  
necessary to implement and maintain special education programs and 18465  
related services in accordance with a contract or agreement 18466  
entered into under section 3313.92 or 3323.08 of the Revised Code; 18467

(2) To make grants or otherwise distribute funds to boards of 18468  
education with territory in the county school financing district 18469

for special education programs and related services. 18470

(B) In the case of a district created for the provision of 18471  
specified educational programs and services as described in 18472  
division (B)(2) of section 3311.50 of the Revised Code, the 18473  
proceeds may be expended either: 18474

(1) To pay for operating costs and permanent improvements 18475  
necessary to implement and maintain specified educational programs 18476  
in accordance with a contract or agreement entered into under 18477  
section 3313.812, 3313.842, or division (A)(3) of section 3313.90 18478  
of the Revised Code; 18479

(2) To make grants or otherwise distribute funds for those 18480  
programs to boards of education with territory in the county 18481  
school financing district. 18482

(C) In the case of a district created for the making of 18483  
permanent improvements under division (B)(3) of section 3311.50 of 18484  
the Revised Code, the proceeds shall be expended either: 18485

(1) To pay for the permanent improvements in accordance with 18486  
a contract entered into under section 3313.92 of the Revised Code; 18487

(2) To make grants or otherwise distribute funds for those 18488  
permanent improvements to boards of education with territory in 18489  
the county school financing district. 18490

**Sec. 3311.521.** (A) The boards of education of any two or more 18491  
contiguous city, exempted village, or local school districts may 18492  
establish a cooperative education school district in accordance 18493  
with this section for the purpose of operating a joint high school 18494  
in lieu of each of such boards operating any high school. Such a 18495  
cooperative education school district shall only be established 18496  
pursuant to the adoption of identical resolutions in accordance 18497  
with this section within a sixty-day period by a majority of the 18498  
members of the board of education of all such boards. Upon the 18499

adoption of all such resolutions, a copy of each resolution shall 18500  
be filed with the state board of education. 18501

The territory of any cooperative education school district 18502  
established pursuant to this section shall consist of the 18503  
territory of all of the school districts whose boards of education 18504  
adopt identical resolutions under this section. 18505

(B) Any resolutions adopted under division (A) of this 18506  
section shall include all of the following: 18507

(1) Provision for the date on which the cooperative district 18508  
will be created, which date shall be the first day of July in the 18509  
year specified in the resolution; 18510

(2) Provision for the composition, selection, and terms of 18511  
office of the board of education of the cooperative district, 18512  
which provision shall include but not necessarily be limited to 18513  
both of the following: 18514

(a) A requirement that the board include at least two members 18515  
selected from or by the members of the board of education of each 18516  
city, local, and exempted village school district within the 18517  
territory of the cooperative district; 18518

(b) Specification of the date by which the initial members of 18519  
the board must be selected, which date shall be the same as the 18520  
date specified pursuant to division (B)(1) of this section. 18521

(3) Provision for the selection of a superintendent and 18522  
treasurer of the cooperative school district, which provision 18523  
shall require one of the following: 18524

(a) The selection of one person as both the superintendent 18525  
and treasurer of the cooperative district, which provision may 18526  
require such person to be the superintendent or treasurer of any 18527  
city, local, or exempted village school district within the 18528  
territory of the cooperative district; 18529

(b) The selection of one person as the superintendent and 18530  
another person as the treasurer of the cooperative district, which 18531  
provision may require either one or both such persons to be 18532  
superintendents or treasurers of any city, local, or exempted 18533  
village school district within the territory of the cooperative 18534  
district. 18535

(4) A statement of the high school education program the 18536  
board of education of the cooperative education school district 18537  
will conduct in lieu of any high school education program being 18538  
operated by the boards of education of the city, local, and 18539  
exempted village school districts within the territory of the 18540  
cooperative district, which statement shall include but not 18541  
necessarily be limited to the high school grade levels to be 18542  
operated in the program, the timetable for commencing operation of 18543  
the program, and the facilities proposed to be used or constructed 18544  
to be used by the program; 18545

(5) A statement that the boards of education of the city, 18546  
local, and exempted village school districts within the territory 18547  
of the cooperative district will not operate any high school 18548  
education program for the grade levels operated by the cooperative 18549  
district; 18550

(6) A statement of how special education and related services 18551  
will be provided in accordance with Chapter 3323. of the Revised 18552  
Code to the ~~handicapped~~ children with disabilities who are 18553  
identified by each city, exempted village, or local school 18554  
district with territory in the cooperative district and who are in 18555  
the grade levels to be operated by the cooperative district; 18556

(7) A statement of how transportation of students to and from 18557  
school will be provided in the cooperative district, which 18558  
statement shall include but not be necessarily limited to both of 18559  
the following: 18560

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B)(3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B)(3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be established on the date specified in the resolutions. Upon the establishment of the district and board, the board of the cooperative district shall give written notice of the creation of the district to the county auditor and the board of elections of each county having any territory in the new district.

**Sec. 3313.532.** (A) Any person twenty-two or more years of age and enrolled in an adult high school continuation program established pursuant to section 3313.531 of the Revised Code may request the board of education operating the program to conduct an evaluation in accordance with division (C) of this section.

(B) Any applicant to a board of education for a diploma of



adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is ~~handicapped~~ disabled, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is ~~handicapped~~ disabled, the board shall determine whether to excuse the person from taking any of the tests required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

**Sec. 3313.603.** (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;	18621
(3) Mathematics, three units;	18622
(4) Physical education, one-half unit;	18623
(5) Science, two units until September 15, 2003, and three	18624
units thereafter, which at all times shall include both of the	18625
following:	18626
(a) Biological sciences, one unit;	18627
(b) Physical sciences, one unit.	18628
(6) Social studies, three units, which shall include both of	18629
the following:	18630
(a) American history, one-half unit;	18631
(b) American government, one-half unit.	18632
(7) Elective units, seven units until September 15, 2003, and	18633
six units thereafter.	18634
Each student's electives shall include at least one unit, or	18635
two half units, chosen from among the areas of	18636
business/technology, fine arts, and/or foreign language.	18637
(C) Beginning with students who enter ninth grade for the	18638
first time on or after July 1, 2010, except as provided in	18639
divisions (D) to (F) of this section, the requirements for	18640
graduation from every public and chartered nonpublic high school	18641
shall include twenty units that are designed to prepare students	18642
for the workforce and college. The units shall be distributed as	18643
follows:	18644
(1) English language arts, four units;	18645
(2) Health, one-half unit;	18646
(3) Mathematics, four units, which shall include one unit of	18647
algebra II or the equivalent of algebra II;	18648

(4) Physical education, one-half unit;	18649
(5) Science, three units with inquiry-based laboratory	18650
experience that engages students in asking valid scientific	18651
questions and gathering and analyzing information, which shall	18652
include the following, or their equivalent:	18653
(a) Physical sciences, one unit;	18654
(b) <del>Biology</del> <u>Life sciences</u> , one unit;	18655
(c) Advanced study in one or more of the following sciences,	18656
one unit:	18657
(i) Chemistry, physics, or other physical science;	18658
(ii) Advanced biology or other life science;	18659
(iii) Astronomy, physical geology, or other earth or space	18660
science.	18661
(6) Social studies, three units, which shall include both of	18662
the following:	18663
(a) American history, one-half unit;	18664
(b) American government, one-half unit.	18665
Each school shall integrate the study of economics and	18666
financial literacy, as expressed in the social studies academic	18667
content standards adopted by the state board of education under	18668
section 3301.079 of the Revised Code, into one or more existing	18669
social studies credits required under division (C)(6) of this	18670
section, or into the content of another class, so that every high	18671
school student receives instruction in those concepts. In	18672
developing the curriculum required by this paragraph, schools	18673
shall use available public-private partnerships and resources and	18674
materials that exist in business, industry, and through the	18675
centers for economics education at institutions of higher	18676
education in the state.	18677

(7) Five units consisting of one or any combination of 18678  
foreign language, fine arts, business, career-technical education, 18679  
family and consumer sciences, technology, agricultural education, 18680  
or English language arts, mathematics, science, or social studies 18681  
courses not otherwise required under division (C) of this section. 18682

Ohioans must be prepared to apply increased knowledge and 18683  
skills in the workplace and to adapt their knowledge and skills 18684  
quickly to meet the rapidly changing conditions of the 18685  
twenty-first century. National studies indicate that all high 18686  
school graduates need the same academic foundation, regardless of 18687  
the opportunities they pursue after graduation. The goal of Ohio's 18688  
system of elementary and secondary education is to prepare all 18689  
students for and seamlessly connect all students to success in 18690  
life beyond high school graduation, regardless of whether the next 18691  
step is entering the workforce, beginning an apprenticeship, 18692  
engaging in post-secondary training, serving in the military, or 18693  
pursuing a college degree. 18694

The Ohio core curriculum is the standard expectation for all 18695  
students entering ninth grade for the first time at a public or 18696  
chartered nonpublic high school on or after July 1, 2010. A 18697  
student may satisfy this expectation through a variety of methods, 18698  
including, but not limited to, integrated, applied, 18699  
career-technical, and traditional coursework. 18700

Whereas teacher quality is essential for student success in 18701  
completing the Ohio core curriculum, the general assembly shall 18702  
appropriate funds for strategic initiatives designed to strengthen 18703  
schools' capacities to hire and retain highly qualified teachers 18704  
in the subject areas required by the curriculum. Such initiatives 18705  
are expected to require an investment of \$120,000,000 over five 18706  
years. 18707

Stronger coordination between high schools and institutions 18708  
of higher education is necessary to prepare students for more 18709

challenging academic endeavors and to lessen the need for academic 18710  
remediation in college, thereby reducing the costs of higher 18711  
education for Ohio's students, families, and the state. The state 18712  
board of education, the Ohio board of regents, and the partnership 18713  
for continued learning shall develop policies to ensure that only 18714  
in rare instances will students who complete the Ohio core 18715  
curriculum require academic remediation after high school. 18716

School districts, community schools, and chartered nonpublic 18717  
schools shall integrate technology into learning experiences 18718  
whenever practicable across the curriculum in order to maximize 18719  
efficiency, enhance learning, and prepare students for success in 18720  
the technology-driven twenty-first century. Districts and schools 18721  
may use distance and web-based course delivery as a method of 18722  
providing or augmenting all instruction required under this 18723  
division, including laboratory experience in science. Districts 18724  
and schools shall whenever practicable utilize technology access 18725  
and electronic learning opportunities provided by the eTech Ohio 18726  
commission, the Ohio learning network, education technology 18727  
centers, public television stations, and other public and private 18728  
providers. 18729

(D) Except as provided in division (E) of this section, a 18730  
student who enters ninth grade on or after July 1, 2010, and 18731  
before July 1, 2014, may qualify for graduation from a public or 18732  
chartered nonpublic high school even though the student has not 18733  
completed the Ohio core curriculum prescribed in division (C) of 18734  
this section if all of the following conditions are satisfied: 18735

(1) After the student has attended high school for two years, 18736  
as determined by the school, the student and the student's parent, 18737  
guardian, or custodian sign and file with the school a written 18738  
statement asserting the parent's, guardian's, or custodian's 18739  
consent to the student's graduating without completing the Ohio 18740  
core curriculum and acknowledging that one consequence of not 18741

completing the Ohio core curriculum is ineligibility to enroll in 18742  
most state universities in Ohio without further coursework. 18743

(2) The student and parent, guardian, or custodian fulfill 18744  
any procedural requirements the school stipulates to ensure the 18745  
student's and parent's, guardian's, or custodian's informed 18746  
consent and to facilitate orderly filing of statements under 18747  
division (D)(1) of this section. 18748

(3) The student and the student's parent, guardian, or 18749  
custodian and a representative of the student's high school 18750  
jointly develop an individual career plan for the student that 18751  
specifies the student matriculating to a two-year degree program, 18752  
acquiring a business and industry credential, or entering an 18753  
apprenticeship. 18754

(4) The student's high school provides counseling and support 18755  
for the student related to the plan developed under division 18756  
(D)(3) of this section during the remainder of the student's high 18757  
school experience. 18758

(5) The student successfully completes, at a minimum, the 18759  
curriculum prescribed in division (B) of this section. 18760

The partnership for continued learning, in collaboration with 18761  
the department of education and the Ohio board of regents, shall 18762  
analyze student performance data to determine if there are 18763  
mitigating factors that warrant extending the exception permitted 18764  
by division (D) of this section to high school classes beyond 18765  
those entering ninth grade before July 1, 2014. The partnership 18766  
shall submit its findings and any recommendations not later than 18767  
August 1, 2014, to the speaker and minority leader of the house of 18768  
representatives, the president and minority leader of the senate, 18769  
the chairpersons and ranking minority members of the standing 18770  
committees of the house of representatives and the senate that 18771  
consider education legislation, the state board of education, and 18772

the superintendent of public instruction. 18773

(E) Each school district and chartered nonpublic school 18774  
retains the authority to require an even more rigorous minimum 18775  
curriculum for high school graduation than specified in division 18776  
(B) or (C) of this section. A school district board of education, 18777  
through the adoption of a resolution, or the governing authority 18778  
of a chartered nonpublic school may stipulate any of the 18779  
following: 18780

(1) A minimum high school curriculum that requires more than 18781  
twenty units of academic credit to graduate; 18782

(2) An exception to the district's or school's minimum high 18783  
school curriculum that is comparable to the exception provided in 18784  
division (D) of this section but with additional requirements, 18785  
which may include a requirement that the student successfully 18786  
complete more than the minimum curriculum prescribed in division 18787  
(B) of this section; 18788

(3) That no exception comparable to that provided in division 18789  
(D) of this section is available. 18790

(F) A student enrolled in a dropout prevention and recovery 18791  
program, which program has received a waiver from the department 18792  
of education, may qualify for graduation from high school by 18793  
successfully completing a competency-based instructional program 18794  
administered by the dropout prevention and recovery program in 18795  
lieu of completing the Ohio core curriculum prescribed in division 18796  
(C) of this section. The department shall grant a waiver to a 18797  
dropout prevention and recovery program, within sixty days after 18798  
the program applies for the waiver, if the program meets all of 18799  
the following conditions: 18800

(1) The program serves only students not younger than sixteen 18801  
years of age and not older than twenty-one years of age. 18802

(2) The program enrolls students who, at the time of their 18803

initial enrollment, either, or both, are at least one grade level 18804  
behind their cohort age groups or experience crises that 18805  
significantly interfere with their academic progress such that 18806  
they are prevented from continuing their traditional programs. 18807

(3) The program requires students to attain at least the 18808  
applicable score designated for each of the tests prescribed under 18809  
division (B) of section 3301.0710 of the Revised Code. 18810

(4) The program develops an individual career plan for the 18811  
student that specifies the student's matriculating to a two-year 18812  
degree program, acquiring a business and industry credential, or 18813  
entering an apprenticeship. 18814

(5) The program provides counseling and support for the 18815  
student related to the plan developed under division (F)(4) of 18816  
this section during the remainder of the student's high school 18817  
experience. 18818

(6) The program requires the student and the student's 18819  
parent, guardian, or custodian to sign and file, in accordance 18820  
with procedural requirements stipulated by the program, a written 18821  
statement asserting the parent's, guardian's, or custodian's 18822  
consent to the student's graduating without completing the Ohio 18823  
core curriculum and acknowledging that one consequence of not 18824  
completing the Ohio core curriculum is ineligibility to enroll in 18825  
most state universities in Ohio without further coursework. 18826

(7) Prior to receiving the waiver, the program has submitted 18827  
to the department an instructional plan that demonstrates how the 18828  
academic content standards adopted by the state board of education 18829  
under section 3301.079 of the Revised Code will be taught and 18830  
assessed. 18831

If the department does not act either to grant the waiver or 18832  
to reject the program application for the waiver within sixty days 18833  
as required under this section, the waiver shall be considered to 18834



be granted. 18835

(G) Every high school may permit students below the ninth 18836  
grade to take advanced work for high school credit. A high school 18837  
shall count such advanced work toward the graduation requirements 18838  
of division (B) or (C) of this section if the advanced work was 18839  
both: 18840

(1) Taught by a person who possesses a license or certificate 18841  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 18842  
Code that is valid for teaching high school; 18843

(2) Designated by the board of education of the city, local, 18844  
or exempted village school district, the board of the cooperative 18845  
education school district, or the governing authority of the 18846  
chartered nonpublic school as meeting the high school curriculum 18847  
requirements. 18848

Each high school shall record on the student's high school 18849  
transcript all high school credit awarded under division (G) of 18850  
this section. In addition, if the student completed a seventh- or 18851  
eighth-grade fine arts course described in division (K) of this 18852  
section and the course qualified for high school credit under that 18853  
division, the high school shall record that course on the 18854  
student's high school transcript. 18855

(H) The department shall make its individual academic career 18856  
plan available through its Ohio career information system web site 18857  
for districts and schools to use as a tool for communicating with 18858  
and providing guidance to students and families in selecting high 18859  
school courses. 18860

(I) Units earned in English language arts, mathematics, 18861  
science, and social studies that are delivered through integrated 18862  
academic and career-technical instruction are eligible to meet the 18863  
graduation requirements of division (B) or (C) of this section. 18864

(J) The state board of education, in consultation with the 18865

Ohio board of regents and the partnership for continued learning, 18866  
shall adopt a statewide plan implementing methods for students to 18867  
earn units of high school credit based on a demonstration of 18868  
subject area competency, instead of or in combination with 18869  
completing hours of classroom instruction. The state board shall 18870  
adopt the plan not later than March 31, 2009, and commence phasing 18871  
in the plan during the 2009-2010 school year. The plan shall 18872  
include a standard method for recording demonstrated proficiency 18873  
on high school transcripts. Each school district, community 18874  
school, and chartered nonpublic school shall comply with the state 18875  
board's plan adopted under this division and award units of high 18876  
school credit in accordance with the plan. The state board may 18877  
adopt existing methods for earning high school credit based on a 18878  
demonstration of subject area competency as necessary prior to the 18879  
2009-2010 school year. 18880

(K) This division does not apply to students who qualify for 18881  
graduation from high school under division (D) or (F) of this 18882  
section, or to students pursuing a career-technical instructional 18883  
track as determined by the school district board of education or 18884  
the chartered nonpublic school's governing authority. 18885  
Nevertheless, the general assembly encourages such students to 18886  
consider enrolling in a fine arts course as an elective. 18887

Beginning with students who enter ninth grade for the first 18888  
time on or after July 1, 2010, each student enrolled in a public 18889  
or chartered nonpublic high school shall complete two semesters or 18890  
the equivalent of fine arts to graduate from high school. The 18891  
coursework may be completed in any of grades seven to twelve. Each 18892  
student who completes a fine arts course in grade seven or eight 18893  
may elect to count that course toward the five units of electives 18894  
required for graduation under division (C)(7) of this section, if 18895  
the course satisfied the requirements of division (G) of this 18896  
section. In that case, the high school shall award the student 18897

high school credit for the course and count the course toward the 18898  
five units required under division (C)(7) of this section. If the 18899  
course in grade seven or eight did not satisfy the requirements of 18900  
division (G) of this section, the high school shall not award the 18901  
student high school credit for the course but shall count the 18902  
course toward the two semesters or the equivalent of fine arts 18903  
required by this division. 18904

(L) Notwithstanding anything to the contrary in this section, 18905  
the board of education of each school district and the governing 18906  
authority of each chartered nonpublic school may adopt a policy to 18907  
excuse from the high school physical education requirement each 18908  
student who, during high school, has participated in 18909  
interscholastic athletics, marching band, or cheerleading for at 18910  
least two full seasons. If the board or authority adopts such a 18911  
policy, the board or authority shall not require the student to 18912  
complete any physical education course as a condition to graduate. 18913  
However, the student shall be required to complete one-half unit, 18914  
consisting of at least sixty hours of instruction, in another 18915  
course of study. 18916

**Sec. 3313.615.** This section shall apply to diplomas awarded 18917  
after September 15, 2006, to students who are required to take the 18918  
five Ohio graduation tests prescribed by division (B) of section 18919  
3301.0710 of the Revised Code. 18920

(A) As an alternative to the requirement that a person attain 18921  
the scores designated under division (B) of section 3301.0710 of 18922  
the Revised Code on all the tests required under that division in 18923  
order to be eligible for a high school diploma or an honors 18924  
diploma under sections 3313.61, 3313.612, or 3325.08 of the 18925  
Revised Code or for a diploma of adult education under section 18926  
3313.611 of the Revised Code, a person who has attained at least 18927  
the applicable scores designated under division (B) of section 18928

3301.0710 of the Revised Code on all but one of the tests required 18929  
by that division and from which the person was not excused or 18930  
exempted, pursuant to division ~~(H) or~~ (L) of section 3313.61, 18931  
division (B)(1) of section 3313.612, or section 3313.532 of the 18932  
Revised Code, may be awarded a diploma or honors diploma if the 18933  
person has satisfied all of the following conditions: 18934

(1) On the one test required under division (B) of section 18935  
3301.0710 of the Revised Code for which the person failed to 18936  
attain the designated score, the person missed that score by ten 18937  
points or less; 18938

(2) Has a ninety-seven per cent school attendance rate in 18939  
each of the last four school years, excluding any excused 18940  
absences; 18941

(3) Has not been expelled from school under section 3313.66 18942  
of the Revised Code in any of the last four school years; 18943

(4) Has a grade point average of at least 2.5 out of 4.0, or 18944  
its equivalent as designated in rules adopted by the state board 18945  
of education, in the subject area of the test required under 18946  
division (B) of section 3301.0710 of the Revised Code for which 18947  
the person failed to attain the designated score; 18948

(5) Has completed the high school curriculum requirements 18949  
prescribed in section 3313.603 of the Revised Code or has 18950  
qualified under division (D) or (F) of that section; 18951

(6) Has taken advantage of any intervention programs provided 18952  
by the school district or school in the subject area described in 18953  
division (A)(4) of this section and has a ninety-seven per cent 18954  
attendance rate, excluding any excused absences, in any of those 18955  
programs that are provided at times beyond the normal school day, 18956  
school week, or school year or has received comparable 18957  
intervention services from a source other than the school district 18958  
or school; 18959

(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.

(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.

(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 18991  
adoptive parent, "parent" means the parent who was divested of 18992  
parental rights and responsibilities for the care of the child and 18993  
the right to have the child live with the parent and be the legal 18994  
custodian of the child and all residual parental rights, 18995  
privileges, and responsibilities. 18996

(b) When a child is the subject of a power of attorney 18997  
executed under sections 3109.51 to 3109.62 of the Revised Code, 18998  
"parent" means the grandparent designated as attorney in fact 18999  
under the power of attorney. When a child is the subject of a 19000  
caretaker authorization affidavit executed under sections 3109.64 19001  
to 3109.73 of the Revised Code, "parent" means the grandparent 19002  
that executed the affidavit. 19003

(2) "Legal custody," "permanent custody," and "residual 19004  
parental rights, privileges, and responsibilities" have the same 19005  
meanings as in section 2151.011 of the Revised Code. 19006

(3) "School district" or "district" means a city, local, or 19007  
exempted village school district and excludes any school operated 19008  
in an institution maintained by the department of youth services. 19009

(4) Except as used in division (C)(2) of this section, "home" 19010  
means a home, institution, foster home, group home, or other 19011  
residential facility in this state that receives and cares for 19012  
children, to which any of the following applies: 19013

(a) The home is licensed, certified, or approved for such 19014  
purpose by the state or is maintained by the department of youth 19015  
services. 19016

(b) The home is operated by a person who is licensed, 19017  
certified, or approved by the state to operate the home for such 19018  
purpose. 19019

(c) The home accepted the child through a placement by a 19020  
person licensed, certified, or approved to place a child in such a 19021

home by the state.	19022
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	19023 19024
(5) "Agency" means all of the following:	19025
(a) A public children services agency;	19026
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	19027 19028 19029 19030 19031 19032
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.22 of the Revised Code.	19033 19034 19035
(6) A child is placed for adoption if either of the following occurs:	19036 19037
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	19038 19039 19040 19041
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	19042 19043 19044
(7) <del>"Handicapped preschool</del> <u>Preschool child with a disability"</u> <del>means a handicapped child, as defined by division (A) of</del> <u>has the same meaning as in</u> section 3323.01 of the Revised Code, <del>who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.</del>	19045 19046 19047 19048 19049 19050
(8) "Child," unless otherwise indicated, includes <del>handicapped</del>	19051

preschool children with disabilities. 19052

(9) "Active duty" means active duty pursuant to an executive 19053  
order of the president of the United States, an act of the 19054  
congress of the United States, or section 5919.29 or 5923.21 of 19055  
the Revised Code. 19056

(B) Except as otherwise provided in section 3321.01 of the 19057  
Revised Code for admittance to kindergarten and first grade, a 19058  
child who is at least five but under twenty-two years of age and 19059  
any ~~handicapped~~ preschool child with a disability shall be 19060  
admitted to school as provided in this division. 19061

(1) A child shall be admitted to the schools of the school 19062  
district in which the child's parent resides. 19063

(2) A child who does not reside in the district where the 19064  
child's parent resides shall be admitted to the schools of the 19065  
district in which the child resides if any of the following 19066  
applies: 19067

(a) The child is in the legal or permanent custody of a 19068  
government agency or a person other than the child's natural or 19069  
adoptive parent. 19070

(b) The child resides in a home. 19071

(c) The child requires special education. 19072

(3) A child who is not entitled under division (B)(2) of this 19073  
section to be admitted to the schools of the district where the 19074  
child resides and who is residing with a resident of this state 19075  
with whom the child has been placed for adoption shall be admitted 19076  
to the schools of the district where the child resides unless 19077  
either of the following applies: 19078

(a) The placement for adoption has been terminated. 19079

(b) Another school district is required to admit the child 19080  
under division (B)(1) of this section. 19081



Division (B) of this section does not prohibit the board of 19082  
education of a school district from placing a ~~handicapped~~ child 19083  
with a disability who resides in the district in a special 19084  
education program outside of the district or its schools in 19085  
compliance with Chapter 3323. of the Revised Code. 19086

(C) A district shall not charge tuition for children admitted 19087  
under division (B)(1) or (3) of this section. If the district 19088  
admits a child under division (B)(2) of this section, tuition 19089  
shall be paid to the district that admits the child as follows: 19090

(1) If the child receives special education in accordance 19091  
with Chapter 3323. of the Revised Code, the school district of 19092  
residence, as defined in section 3323.01 of the Revised Code, 19093  
shall pay tuition for the child in accordance with section 19094  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 19095  
regardless of who has custody of the child or whether the child 19096  
resides in a home. 19097

(2) For a child that does not receive special education in 19098  
accordance with Chapter 3323. of the Revised Code, except as 19099  
otherwise provided in division (C)(2)(d) of this section, if the 19100  
child is in the permanent or legal custody of a government agency 19101  
or person other than the child's parent, tuition shall be paid by: 19102

(a) The district in which the child's parent resided at the 19103  
time the court removed the child from home or at the time the 19104  
court vested legal or permanent custody of the child in the person 19105  
or government agency, whichever occurred first; 19106

(b) If the parent's residence at the time the court removed 19107  
the child from home or placed the child in the legal or permanent 19108  
custody of the person or government agency is unknown, tuition 19109  
shall be paid by the district in which the child resided at the 19110  
time the child was removed from home or placed in legal or 19111  
permanent custody, whichever occurred first; 19112

(c) If a school district cannot be established under division 19113  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 19114  
district determined as required by section 2151.362 of the Revised 19115  
Code by the court at the time it vests custody of the child in the 19116  
person or government agency; 19117

(d) If at the time the court removed the child from home or 19118  
vested legal or permanent custody of the child in the person or 19119  
government agency, whichever occurred first, one parent was in a 19120  
residential or correctional facility or a juvenile residential 19121  
placement and the other parent, if living and not in such a 19122  
facility or placement, was not known to reside in this state, 19123  
tuition shall be paid by the district determined under division 19124  
(D) of section 3313.65 of the Revised Code as the district 19125  
required to pay any tuition while the parent was in such facility 19126  
or placement; 19127

(e) If the ~~court has modified its order as to which district~~ 19128  
department of education has determined, pursuant to division 19129  
(A)(2) of section 2151.362 of the Revised Code, that a school 19130  
district other than the one named in the court's initial order, or 19131  
in a prior determination of the department, is responsible to bear 19132  
the cost of educating the child ~~pursuant to division (A)(2) of~~ 19133  
~~section 2151.362 of the Revised Code, the district so determined~~ 19134  
~~to shall be responsible for that cost in the order so modified.~~ 19135

(3) If the child is not in the permanent or legal custody of 19136  
a government agency or person other than the child's parent and 19137  
the child resides in a home, tuition shall be paid by one of the 19138  
following: 19139

(a) The school district in which the child's parent resides; 19140

(b) If the child's parent is not a resident of this state, 19141  
the home in which the child resides. 19142

(D) Tuition required to be paid under divisions (C)(2) and 19143

(3)(a) of this section shall be computed in accordance with 19144  
section 3317.08 of the Revised Code. Tuition required to be paid 19145  
under division (C)(3)(b) of this section shall be computed in 19146  
accordance with section 3317.081 of the Revised Code. If a home 19147  
fails to pay the tuition required by division (C)(3)(b) of this 19148  
section, the board of education providing the education may 19149  
recover in a civil action the tuition and the expenses incurred in 19150  
prosecuting the action, including court costs and reasonable 19151  
attorney's fees. If the prosecuting attorney or city director of 19152  
law represents the board in such action, costs and reasonable 19153  
attorney's fees awarded by the court, based upon the prosecuting 19154  
attorney's, director's, or one of their designee's time spent 19155  
preparing and presenting the case, shall be deposited in the 19156  
county or city general fund. 19157

(E) A board of education may enroll a child free of any 19158  
tuition obligation for a period not to exceed sixty days, on the 19159  
sworn statement of an adult resident of the district that the 19160  
resident has initiated legal proceedings for custody of the child. 19161

(F) In the case of any individual entitled to attend school 19162  
under this division, no tuition shall be charged by the school 19163  
district of attendance and no other school district shall be 19164  
required to pay tuition for the individual's attendance. 19165  
Notwithstanding division (B), (C), or (E) of this section: 19166

(1) All persons at least eighteen but under twenty-two years 19167  
of age who live apart from their parents, support themselves by 19168  
their own labor, and have not successfully completed the high 19169  
school curriculum or the individualized education program 19170  
developed for the person by the high school pursuant to section 19171  
3323.08 of the Revised Code, are entitled to attend school in the 19172  
district in which they reside. 19173

(2) Any child under eighteen years of age who is married is 19174  
entitled to attend school in the child's district of residence. 19175

(3) A child is entitled to attend school in the district in 19176  
which either of the child's parents is employed if the child has a 19177  
medical condition that may require emergency medical attention. 19178  
The parent of a child entitled to attend school under division 19179  
(F)(3) of this section shall submit to the board of education of 19180  
the district in which the parent is employed a statement from the 19181  
child's physician certifying that the child's medical condition 19182  
may require emergency medical attention. The statement shall be 19183  
supported by such other evidence as the board may require. 19184

(4) Any child residing with a person other than the child's 19185  
parent is entitled, for a period not to exceed twelve months, to 19186  
attend school in the district in which that person resides if the 19187  
child's parent files an affidavit with the superintendent of the 19188  
district in which the person with whom the child is living resides 19189  
stating all of the following: 19190

(a) That the parent is serving outside of the state in the 19191  
armed services of the United States; 19192

(b) That the parent intends to reside in the district upon 19193  
returning to this state; 19194

(c) The name and address of the person with whom the child is 19195  
living while the parent is outside the state. 19196

(5) Any child under the age of twenty-two years who, after 19197  
the death of a parent, resides in a school district other than the 19198  
district in which the child attended school at the time of the 19199  
parent's death is entitled to continue to attend school in the 19200  
district in which the child attended school at the time of the 19201  
parent's death for the remainder of the school year, subject to 19202  
approval of that district board. 19203

(6) A child under the age of twenty-two years who resides 19204  
with a parent who is having a new house built in a school district 19205  
outside the district where the parent is residing is entitled to 19206

attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to

participate in interscholastic athletics under the auspices of 19238  
that school, provided the board of education of the school 19239  
district where the student's parent resides, by a formal action, 19240  
releases the student to participate in interscholastic athletics 19241  
at the school where the student is attending, and provided the 19242  
student receives any authorization required by a public agency or 19243  
private organization of which the school district is a member 19244  
exercising authority over interscholastic sports. 19245

(8) A child whose parent is a full-time employee of a city, 19246  
local, or exempted village school district, or of an educational 19247  
service center, may be admitted to the schools of the district 19248  
where the child's parent is employed, or in the case of a child 19249  
whose parent is employed by an educational service center, in the 19250  
district that serves the location where the parent's job is 19251  
primarily located, provided the district board of education 19252  
establishes such an admission policy by resolution adopted by a 19253  
majority of its members. Any such policy shall take effect on the 19254  
first day of the school year and the effective date of any 19255  
amendment or repeal may not be prior to the first day of the 19256  
subsequent school year. The policy shall be uniformly applied to 19257  
all such children and shall provide for the admission of any such 19258  
child upon request of the parent. No child may be admitted under 19259  
this policy after the first day of classes of any school year. 19260

(9) A child who is with the child's parent under the care of 19261  
a shelter for victims of domestic violence, as defined in section 19262  
3113.33 of the Revised Code, is entitled to attend school free in 19263  
the district in which the child is with the child's parent, and no 19264  
other school district shall be required to pay tuition for the 19265  
child's attendance in that school district. 19266

The enrollment of a child in a school district under this 19267  
division shall not be denied due to a delay in the school 19268  
district's receipt of any records required under section 3313.672 19269

of the Revised Code or any other records required for enrollment. 19270  
Any days of attendance and any credits earned by a child while 19271  
enrolled in a school district under this division shall be 19272  
transferred to and accepted by any school district in which the 19273  
child subsequently enrolls. The state board of education shall 19274  
adopt rules to ensure compliance with this division. 19275

(10) Any child under the age of twenty-two years whose parent 19276  
has moved out of the school district after the commencement of 19277  
classes in the child's senior year of high school is entitled, 19278  
subject to the approval of that district board, to attend school 19279  
in the district in which the child attended school at the time of 19280  
the parental move for the remainder of the school year and for one 19281  
additional semester or equivalent term. A district board may also 19282  
adopt a policy specifying extenuating circumstances under which a 19283  
student may continue to attend school under division (F)(10) of 19284  
this section for an additional period of time in order to 19285  
successfully complete the high school curriculum for the 19286  
individualized education program developed for the student by the 19287  
high school pursuant to section 3323.08 of the Revised Code. 19288

(11) As used in this division, "grandparent" means a parent 19289  
of a parent of a child. A child under the age of twenty-two years 19290  
who is in the custody of the child's parent, resides with a 19291  
grandparent, and does not require special education is entitled to 19292  
attend the schools of the district in which the child's 19293  
grandparent resides, provided that, prior to such attendance in 19294  
any school year, the board of education of the school district in 19295  
which the child's grandparent resides and the board of education 19296  
of the school district in which the child's parent resides enter 19297  
into a written agreement specifying that good cause exists for 19298  
such attendance, describing the nature of this good cause, and 19299  
consenting to such attendance. 19300

In lieu of a consent form signed by a parent, a board of 19301

education may request the grandparent of a child attending school 19302  
in the district in which the grandparent resides pursuant to 19303  
division (F)(11) of this section to complete any consent form 19304  
required by the district, including any authorization required by 19305  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 19306  
Code. Upon request, the grandparent shall complete any consent 19307  
form required by the district. A school district shall not incur 19308  
any liability solely because of its receipt of a consent form from 19309  
a grandparent in lieu of a parent. 19310

Division (F)(11) of this section does not create, and shall 19311  
not be construed as creating, a new cause of action or substantive 19312  
legal right against a school district, a member of a board of 19313  
education, or an employee of a school district. This section does 19314  
not affect, and shall not be construed as affecting, any 19315  
immunities from defenses to tort liability created or recognized 19316  
by Chapter 2744. of the Revised Code for a school district, 19317  
member, or employee. 19318

(12) A child under the age of twenty-two years is entitled to 19319  
attend school in a school district other than the district in 19320  
which the child is entitled to attend school under division (B), 19321  
(C), or (E) of this section provided that, prior to such 19322  
attendance in any school year, both of the following occur: 19323

(a) The superintendent of the district in which the child is 19324  
entitled to attend school under division (B), (C), or (E) of this 19325  
section contacts the superintendent of another district for 19326  
purposes of this division; 19327

(b) The superintendents of both districts enter into a 19328  
written agreement that consents to the attendance and specifies 19329  
that the purpose of such attendance is to protect the student's 19330  
physical or mental well-being or to deal with other extenuating 19331  
circumstances deemed appropriate by the superintendents. 19332



While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend

school in the school district in which that person resides if both 19364  
of the following apply: 19365

(a) That person has been appointed, through a military power 19366  
of attorney executed under section 574(a) of the "National Defense 19367  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 19368  
U.S.C. 1044b, or through a comparable document necessary to 19369  
complete a family care plan, as the parent's agent for the care, 19370  
custody, and control of the child while the parent is on active 19371  
duty as a member of the national guard or a reserve unit of the 19372  
armed forces of the United States or because the parent is a 19373  
member of the armed forces of the United States and is on a duty 19374  
assignment away from the parent's residence. 19375

(b) The military power of attorney or comparable document 19376  
includes at least the authority to enroll the child in school. 19377

The entitlement to attend school in the district in which the 19378  
parent's agent under the military power of attorney or comparable 19379  
document resides applies until the end of the school year in which 19380  
the military power of attorney or comparable document expires. 19381

(G) A board of education, after approving admission, may 19382  
waive tuition for students who will temporarily reside in the 19383  
district and who are either of the following: 19384

(1) Residents or domiciliaries of a foreign nation who 19385  
request admission as foreign exchange students; 19386

(2) Residents or domiciliaries of the United States but not 19387  
of Ohio who request admission as participants in an exchange 19388  
program operated by a student exchange organization. 19389

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 19390  
3327.04, and 3327.06 of the Revised Code, a child may attend 19391  
school or participate in a special education program in a school 19392  
district other than in the district where the child is entitled to 19393  
attend school under division (B) of this section. 19394

(I)(1) Notwithstanding anything to the contrary in this 19395  
section or section 3313.65 of the Revised Code, a child under 19396  
twenty-two years of age may attend school in the school district 19397  
in which the child, at the end of the first full week of October 19398  
of the school year, was entitled to attend school as otherwise 19399  
provided under this section or section 3313.65 of the Revised 19400  
Code, if at that time the child was enrolled in the schools of the 19401  
district but since that time the child or the child's parent has 19402  
relocated to a new address located outside of that school district 19403  
and within the same county as the child's or parent's address 19404  
immediately prior to the relocation. The child may continue to 19405  
attend school in the district, and at the school to which the 19406  
child was assigned at the end of the first full week of October of 19407  
the current school year, for the balance of the school year. 19408  
Division (I)(1) of this section applies only if both of the 19409  
following conditions are satisfied: 19410

(a) The board of education of the school district in which 19411  
the child was entitled to attend school at the end of the first 19412  
full week in October and of the district to which the child or 19413  
child's parent has relocated each has adopted a policy to enroll 19414  
children described in division (I)(1) of this section. 19415

(b) The child's parent provides written notification of the 19416  
relocation outside of the school district to the superintendent of 19417  
each of the two school districts. 19418

(2) At the beginning of the school year following the school 19419  
year in which the child or the child's parent relocated outside of 19420  
the school district as described in division (I)(1) of this 19421  
section, the child is not entitled to attend school in the school 19422  
district under that division. 19423

(3) Any person or entity owing tuition to the school district 19424  
on behalf of the child at the end of the first full week in 19425  
October, as provided in division (C) of this section, shall 19426

continue to owe such tuition to the district for the child's 19427  
attendance under division (I)(1) of this section for the lesser of 19428  
the balance of the school year or the balance of the time that the 19429  
child attends school in the district under division (I)(1) of this 19430  
section. 19431

(4) A pupil who may attend school in the district under 19432  
division (I)(1) of this section shall be entitled to 19433  
transportation services pursuant to an agreement between the 19434  
district and the district in which the child or child's parent has 19435  
relocated unless the districts have not entered into such 19436  
agreement, in which case the child shall be entitled to 19437  
transportation services in the same manner as a pupil attending 19438  
school in the district under interdistrict open enrollment as 19439  
described in division (H) of section 3313.981 of the Revised Code, 19440  
regardless of whether the district has adopted an open enrollment 19441  
policy as described in division (B)(1)(b) or (c) of section 19442  
3313.98 of the Revised Code. 19443

(J) This division does not apply to a child receiving special 19444  
education. 19445

A school district required to pay tuition pursuant to 19446  
division (C)(2) or (3) of this section or section 3313.65 of the 19447  
Revised Code shall have an amount deducted under division (F) of 19448  
section 3317.023 of the Revised Code equal to its own tuition rate 19449  
for the same period of attendance. A school district entitled to 19450  
receive tuition pursuant to division (C)(2) or (3) of this section 19451  
or section 3313.65 of the Revised Code shall have an amount 19452  
credited under division (F) of section 3317.023 of the Revised 19453  
Code equal to its own tuition rate for the same period of 19454  
attendance. If the tuition rate credited to the district of 19455  
attendance exceeds the rate deducted from the district required to 19456  
pay tuition, the department of education shall pay the district of 19457  
attendance the difference from amounts deducted from all 19458

districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school

in the district in which the child's parent lived before being 19491  
called to active duty or ordered to a temporary duty assignment 19492  
outside of the district, as long as the child's parent continues 19493  
to be a resident of that district, and regardless of where the 19494  
child lives as a result of the parent's active duty status or 19495  
temporary duty assignment. However, the district is not 19496  
responsible for providing transportation for the child if the 19497  
child lives outside of the district as a result of the parent's 19498  
active duty status or temporary duty assignment. 19499

**Sec. 3313.646.** (A) The board of education of a school 19500  
district, except a cooperative education district established 19501  
pursuant to section 3311.521 of the Revised Code, may establish 19502  
and operate a preschool program ~~except that no such program shall~~ 19503  
~~be established after March 17, 1989, unless both of the following~~ 19504  
~~apply at the time the program is established.~~ 19505

~~(1) The, provided the~~ board has demonstrated a need for the 19506  
program. 19507

~~(2) Unless it is a cooperative education district established~~ 19508  
~~pursuant to divisions (A) to (C) of section 3311.52 of the Revised~~ 19509  
~~Code, the school district is eligible for moneys distributed by~~ 19510  
~~the department of education pursuant to section 3317.029 of the~~ 19511  
~~Revised Code.~~ A board may use school funds in support of preschool 19512  
programs. The board shall maintain, operate, and admit children to 19513  
any such program pursuant to rules adopted by such board and the 19514  
rules of the state board of education adopted under sections 19515  
3301.52 to 3301.57 of the Revised Code. 19516

A board of education may establish fees or tuition, which may 19517  
be graduated in proportion to family income, for participation in 19518  
a preschool program. In cases where payment of fees or tuition 19519  
would create a hardship for the child's parent or guardian, the 19520  
board may waive any such fees or tuition. 19521

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide preschool programs, other than programs for units described by divisions (B) and (C) of section 3317.05 of the Revised Code, for children of the school district:

(1) Any organization receiving funds under the "Head Start Act";

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;

(3) Any child care provider licensed under Chapter 5104. of the Revised Code.

Boards may contract to provide preschool programs only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.

(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.

(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as ~~he~~ the treasurer would any other funds of the district pursuant to this chapter.

**Sec. 3313.66.** (A) Except as provided under division (B)(2) of

this section, the superintendent of schools of a city, exempted 19552  
village, or local school district, or the principal of a public 19553  
school may suspend a pupil from school for not more than ten 19554  
school days. The board of education of a city, exempted village, 19555  
or local school district may adopt a policy granting assistant 19556  
principals and other administrators the authority to suspend a 19557  
pupil from school for a period of time as specified in the policy 19558  
of the board of education, not to exceed ten school days. If at 19559  
the time a suspension is imposed there are fewer than ten school 19560  
days remaining in the school year in which the incident that gives 19561  
rise to the suspension takes place, the superintendent may apply 19562  
any remaining part or all of the period of the suspension to the 19563  
following school year. Except in the case of a pupil given an 19564  
in-school suspension, no pupil shall be suspended unless prior to 19565  
the suspension such superintendent or principal does both of the 19566  
following: 19567

(1) Gives the pupil written notice of the intention to 19568  
suspend the pupil and the reasons for the intended suspension and, 19569  
if the proposed suspension is based on a violation listed in 19570  
division (A) of section 3313.662 of the Revised Code and if the 19571  
pupil is sixteen years of age or older, includes in the notice a 19572  
statement that the superintendent may seek to permanently exclude 19573  
the pupil if the pupil is convicted of or adjudicated a delinquent 19574  
child for that violation; 19575

(2) Provides the pupil an opportunity to appear at an 19576  
informal hearing before the principal, assistant principal, 19577  
superintendent, or superintendent's designee and challenge the 19578  
reason for the intended suspension or otherwise to explain the 19579  
pupil's actions. 19580

(B)(1) Except as provided under division (B)(2), (3), or (4) 19581  
of this section, the superintendent of schools of a city, exempted 19582  
village, or local school district may expel a pupil from school 19583



for a period not to exceed the greater of eighty school days or 19584  
the number of school days remaining in the semester or term in 19585  
which the incident that gives rise to the expulsion takes place, 19586  
unless the expulsion is extended pursuant to division (F) of this 19587  
section. If at the time an expulsion is imposed there are fewer 19588  
than eighty school days remaining in the school year in which the 19589  
incident that gives rise to the expulsion takes place, the 19590  
superintendent may apply any remaining part or all of the period 19591  
of the expulsion to the following school year. 19592

(2)(a) Unless a pupil is permanently excluded pursuant to 19593  
section 3313.662 of the Revised Code, the superintendent of 19594  
schools of a city, exempted village, or local school district 19595  
shall expel a pupil from school for a period of one year for 19596  
bringing a firearm to a school operated by the board of education 19597  
of the district or onto any other property owned or controlled by 19598  
the board, except that the superintendent may reduce this 19599  
requirement on a case-by-case basis in accordance with the policy 19600  
adopted by the board under section 3313.661 of the Revised Code. 19601

(b) The superintendent of schools of a city, exempted 19602  
village, or local school district may expel a pupil from school 19603  
for a period of one year for bringing a firearm to an 19604  
interscholastic competition, an extracurricular event, or any 19605  
other school program or activity that is not located in a school 19606  
or on property that is owned or controlled by the district. The 19607  
superintendent may reduce this disciplinary action on a 19608  
case-by-case basis in accordance with the policy adopted by the 19609  
board under section 3313.661 of the Revised Code. 19610

(c) Any expulsion pursuant to division (B)(2) of this section 19611  
shall extend, as necessary, into the school year following the 19612  
school year in which the incident that gives rise to the expulsion 19613  
takes place. As used in this division, "firearm" has the same 19614  
meaning as provided pursuant to the "Gun-Free Schools Act of 19615

1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 19616

(3) The board of education of a city, exempted village, or 19617  
local school district may adopt a resolution authorizing the 19618  
superintendent of schools to expel a pupil from school for a 19619  
period not to exceed one year for bringing a knife to a school 19620  
operated by the board, onto any other property owned or controlled 19621  
by the board, or to an interscholastic competition, an 19622  
extracurricular event, or any other program or activity sponsored 19623  
by the school district or in which the district is a participant, 19624  
or for possessing a firearm or knife at a school, on any other 19625  
property owned or controlled by the board, or at an 19626  
interscholastic competition, an extracurricular event, or any 19627  
other school program or activity, which firearm or knife was 19628  
initially brought onto school board property by another person. 19629  
The resolution may authorize the superintendent to extend such an 19630  
expulsion, as necessary, into the school year following the school 19631  
year in which the incident that gives rise to the expulsion takes 19632  
place. 19633

(4) The board of education of a city, exempted village, or 19634  
local school district may adopt a resolution establishing a policy 19635  
under section 3313.661 of the Revised Code that authorizes the 19636  
superintendent of schools to expel a pupil from school for a 19637  
period not to exceed one year for committing an act that is a 19638  
criminal offense when committed by an adult and that results in 19639  
serious physical harm to persons as defined in division (A)(5) of 19640  
section 2901.01 of the Revised Code or serious physical harm to 19641  
property as defined in division (A)(6) of section 2901.01 of the 19642  
Revised Code while the pupil is at school, on any other property 19643  
owned or controlled by the board, or at an interscholastic 19644  
competition, an extracurricular event, or any other school program 19645  
or activity. Any expulsion under this division shall extend, as 19646  
necessary, into the school year following the school year in which 19647

the incident that gives rise to the expulsion takes place. 19648

(5) The board of education of any city, exempted village, or 19649  
local school district may adopt a resolution establishing a policy 19650  
under section 3313.661 of the Revised Code that authorizes the 19651  
superintendent of schools to expel a pupil from school for a 19652  
period not to exceed one year for making a bomb threat to a school 19653  
building or to any premises at which a school activity is 19654  
occurring at the time of the threat. Any expulsion under this 19655  
division shall extend, as necessary, into the school year 19656  
following the school year in which the incident that gives rise to 19657  
the expulsion takes place. 19658

(6) No pupil shall be expelled under division (B)(1), (2), 19659  
(3), (4), or (5) of this section unless, prior to the pupil's 19660  
expulsion, the superintendent does both of the following: 19661

(a) Gives the pupil and the pupil's parent, guardian, or 19662  
custodian written notice of the intention to expel the pupil; 19663

(b) Provides the pupil and the pupil's parent, guardian, 19664  
custodian, or representative an opportunity to appear in person 19665  
before the superintendent or the superintendent's designee to 19666  
challenge the reasons for the intended expulsion or otherwise to 19667  
explain the pupil's actions. 19668

The notice required in this division shall include the 19669  
reasons for the intended expulsion, notification of the 19670  
opportunity of the pupil and the pupil's parent, guardian, 19671  
custodian, or representative to appear before the superintendent 19672  
or the superintendent's designee to challenge the reasons for the 19673  
intended expulsion or otherwise to explain the pupil's action, and 19674  
notification of the time and place to appear. The time to appear 19675  
shall not be earlier than three nor later than five school days 19676  
after the notice is given, unless the superintendent grants an 19677  
extension of time at the request of the pupil or the pupil's 19678

parent, guardian, custodian, or representative. If an extension is 19679  
granted after giving the original notice, the superintendent shall 19680  
notify the pupil and the pupil's parent, guardian, custodian, or 19681  
representative of the new time and place to appear. If the 19682  
proposed expulsion is based on a violation listed in division (A) 19683  
of section 3313.662 of the Revised Code and if the pupil is 19684  
sixteen years of age or older, the notice shall include a 19685  
statement that the superintendent may seek to permanently exclude 19686  
the pupil if the pupil is convicted of or adjudicated a delinquent 19687  
child for that violation. 19688

(7) A superintendent of schools of a city, exempted village, 19689  
or local school district shall initiate expulsion proceedings 19690  
pursuant to this section with respect to any pupil who has 19691  
committed an act warranting expulsion under the district's policy 19692  
regarding expulsion even if the pupil has withdrawn from school 19693  
for any reason after the incident that gives rise to the hearing 19694  
but prior to the hearing or decision to impose the expulsion. If, 19695  
following the hearing, the pupil would have been expelled for a 19696  
period of time had the pupil still been enrolled in the school, 19697  
the expulsion shall be imposed for the same length of time as on a 19698  
pupil who has not withdrawn from the school. 19699

(C) If a pupil's presence poses a continuing danger to 19700  
persons or property or an ongoing threat of disrupting the 19701  
academic process taking place either within a classroom or 19702  
elsewhere on the school premises, the superintendent or a 19703  
principal or assistant principal may remove a pupil from 19704  
curricular activities or from the school premises, and a teacher 19705  
may remove a pupil from curricular activities under the teacher's 19706  
supervision, without the notice and hearing requirements of 19707  
division (A) or (B) of this section. As soon as practicable after 19708  
making such a removal, the teacher shall submit in writing to the 19709  
principal the reasons for such removal. 19710

If a pupil is removed under this division from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held within three school days from the time the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held within three school days of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil and the treasurer of the board of education of the expulsion or suspension. The notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the

suspension or expulsion was based on a violation listed in 19743  
division (A) of section 3313.662 of the Revised Code that was 19744  
committed when the child was sixteen years of age or older and if 19745  
the pupil is convicted of or adjudicated a delinquent child for 19746  
that violation. 19747

In accordance with the policy adopted by the board of 19748  
education under section 3313.661 of the Revised Code, the notice 19749  
provided under this division shall specify the manner and date by 19750  
which the pupil or the pupil's parent, guardian, or custodian 19751  
shall notify the board of the pupil's, parent's, guardian's, or 19752  
custodian's intent to appeal the expulsion or suspension to the 19753  
board or its designee. 19754

Any superintendent expelling a pupil under this section for 19755  
more than twenty school days or for any period of time if the 19756  
expulsion will extend into the following semester or school year 19757  
shall, in the notice required under this division, provide the 19758  
pupil and the pupil's parent, guardian, or custodian with 19759  
information about services or programs offered by public and 19760  
private agencies that work toward improving those aspects of the 19761  
pupil's attitudes and behavior that contributed to the incident 19762  
that gave rise to the pupil's expulsion. The information shall 19763  
include the names, addresses, and phone numbers of the appropriate 19764  
public and private agencies. 19765

(E) A pupil or the pupil's parent, guardian, or custodian may 19766  
appeal the pupil's expulsion by a superintendent or suspension by 19767  
a superintendent, principal, assistant principal, or other 19768  
administrator to the board of education or to its designee. If the 19769  
pupil or the pupil's parent, guardian, or custodian intends to 19770  
appeal the expulsion or suspension to the board or its designee, 19771  
the pupil or the pupil's parent, guardian, or custodian shall 19772  
notify the board in the manner and by the date specified in the 19773  
notice provided under division (D) of this section. The pupil or 19774

the pupil's parent, guardian, or custodian may be represented in 19775  
all appeal proceedings and shall be granted a hearing before the 19776  
board or its designee in order to be heard against the suspension 19777  
or expulsion. At the request of the pupil or of the pupil's 19778  
parent, guardian, custodian, or attorney, the board or its 19779  
designee may hold the hearing in executive session but shall act 19780  
upon the suspension or expulsion only at a public meeting. The 19781  
board, by a majority vote of its full membership or by the action 19782  
of its designee, may affirm the order of suspension or expulsion, 19783  
reinstate the pupil, or otherwise reverse, vacate, or modify the 19784  
order of suspension or expulsion. 19785

The board or its designee shall make a verbatim record of 19786  
hearings held under this division. The decisions of the board or 19787  
its designee may be appealed under Chapter 2506. of the Revised 19788  
Code. 19789

This section shall not be construed to require notice and 19790  
hearing in accordance with division (A), (B), or (C) of this 19791  
section in the case of normal disciplinary procedures in which a 19792  
pupil is removed from a curricular activity for a period of less 19793  
than one school day and is not subject to suspension or expulsion. 19794

(F)(1) If a pupil is expelled pursuant to division (B) of 19795  
this section for committing any violation listed in division (A) 19796  
of section 3313.662 of the Revised Code and the pupil was sixteen 19797  
years of age or older at the time of committing the violation, if 19798  
a complaint, indictment, or information is filed alleging that the 19799  
pupil is a delinquent child based upon the commission of the 19800  
violation or the pupil is prosecuted as an adult for the 19801  
commission of the violation, and if the resultant juvenile court 19802  
or criminal proceeding is pending at the time that the expulsion 19803  
terminates, the superintendent of schools that expelled the pupil 19804  
may file a motion with the court in which the proceeding is 19805  
pending requesting an order extending the expulsion for the lesser 19806

of an additional eighty days or the number of school days 19807  
remaining in the school year. Upon the filing of the motion, the 19808  
court immediately shall schedule a hearing and give written notice 19809  
of the time, date, and location of the hearing to the 19810  
superintendent and to the pupil and the pupil's parent, guardian, 19811  
or custodian. At the hearing, the court shall determine whether 19812  
there is reasonable cause to believe that the pupil committed the 19813  
alleged violation that is the basis of the expulsion and, upon 19814  
determining that reasonable cause to believe the pupil committed 19815  
the violation does exist, shall grant the requested extension. 19816

(2) If a pupil has been convicted of or adjudicated a 19817  
delinquent child for a violation listed in division (A) of section 19818  
3313.662 of the Revised Code for an act that was committed when 19819  
the child was sixteen years of age or older, if the pupil has been 19820  
expelled pursuant to division (B) of this section for that 19821  
violation, and if the board of education of the school district of 19822  
the school from which the pupil was expelled has adopted a 19823  
resolution seeking the pupil's permanent exclusion, the 19824  
superintendent may file a motion with the court that convicted the 19825  
pupil or adjudicated the pupil a delinquent child requesting an 19826  
order to extend the expulsion until an adjudication order or other 19827  
determination regarding permanent exclusion is issued by the 19828  
superintendent of public instruction pursuant to section 3301.121 19829  
and division (D) of section 3313.662 of the Revised Code. Upon the 19830  
filing of the motion, the court immediately shall schedule a 19831  
hearing and give written notice of the time, date, and location of 19832  
the hearing to the superintendent of the school district, the 19833  
pupil, and the pupil's parent, guardian, or custodian. At the 19834  
hearing, the court shall determine whether there is reasonable 19835  
cause to believe the pupil's continued attendance in the public 19836  
school system may endanger the health and safety of other pupils 19837  
or school employees and, upon making that determination, shall 19838  
grant the requested extension. 19839



(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of another district under division (A) of this section and the period of suspension, as established under that division, has not expired;

(b) The pupil has been expelled from the schools of another

district under division (B) of this section and the period of the 19871  
expulsion, as established under that division or as extended under 19872  
division (F) of this section, has not expired. 19873

If a pupil is temporarily denied admission under this 19874  
division, the pupil shall be admitted to school in accordance with 19875  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 19876  
Code no later than upon expiration of the suspension or expulsion 19877  
period, as applicable. 19878

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 19879  
3313.65 of the Revised Code, any school district, after offering 19880  
an opportunity for a hearing, may temporarily deny admittance to 19881  
any pupil if the pupil has been expelled or otherwise removed for 19882  
disciplinary purposes from a public school in another state and 19883  
the period of expulsion or removal has not expired. If a pupil is 19884  
temporarily denied admission under this division, the pupil shall 19885  
be admitted to school in accordance with sections 3109.51 to 19886  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 19887  
earlier of the following: 19888

(a) Upon expiration of the expulsion or removal period 19889  
imposed by the out-of-state school; 19890

(b) Upon expiration of a period established by the district, 19891  
beginning with the date of expulsion or removal from the 19892  
out-of-state school, that is no greater than the period of 19893  
expulsion that the pupil would have received under the policy 19894  
adopted by the district under section 3313.661 of the Revised Code 19895  
had the offense that gave rise to the expulsion or removal by the 19896  
out-of-state school been committed while the pupil was enrolled in 19897  
the district. 19898

(K) As used in this section: 19899

(1) "Permanently exclude" and "permanent exclusion" have the 19900  
same meanings as in section 3313.662 of the Revised Code. 19901

(2) "In-school suspension" means the pupil will serve all of 19902  
the suspension in a school setting. 19903

**Sec. 3313.661.** (A) The board of education of each city, 19904  
exempted village, and local school district shall adopt a policy 19905  
regarding suspension, expulsion, removal, and permanent exclusion 19906  
that specifies the types of misconduct for which a pupil may be 19907  
suspended, expelled, or removed. The types of misconduct may 19908  
include misconduct by a pupil that occurs off of property owned or 19909  
controlled by the district but that is connected to activities or 19910  
incidents that have occurred on property owned or controlled by 19911  
that district and misconduct by a pupil that, regardless of where 19912  
it occurs, is directed at a district official or employee, or the 19913  
property of such official or employee. The policy shall specify 19914  
the reasons for which the superintendent of the district may 19915  
reduce the expulsion requirement in division (B)(2) of section 19916  
3313.66 of the Revised Code. If a board of education adopts a 19917  
resolution pursuant to division (B)(3) of section 3313.66 of the 19918  
Revised Code, the policy shall define the term "knife" or 19919  
"firearm," as applicable, for purposes of expulsion under that 19920  
resolution and shall specify any reasons for which the 19921  
superintendent of the district may reduce any required expulsion 19922  
period on a case-by-case basis. If a board of education adopts a 19923  
resolution pursuant to division (B)(4) or (5) of section 3313.66 19924  
of the Revised Code, the policy shall specify any reasons for 19925  
which the superintendent of the district may reduce any required 19926  
expulsion period on a case-by-case basis. The policy also shall 19927  
set forth the acts listed in section 3313.662 of the Revised Code 19928  
for which a pupil may be permanently excluded. 19929

The policy adopted under this division shall specify the date 19930  
and manner by which a pupil or a pupil's parent, guardian, or 19931  
custodian may notify the board of the pupil's, parent's, 19932  
guardian's, or custodian's intent to appeal an expulsion or 19933

suspension to the board or its designee pursuant to division (E) 19934  
of section 3313.66 of the Revised Code. In the case of any 19935  
expulsion, the policy shall not specify a date that is less than 19936  
fourteen days after the date of the notice provided to the pupil 19937  
or the pupil's parent, guardian, or custodian under division (D) 19938  
of that section. 19939

A copy of the policy shall be posted in a central location in 19940  
the school and made available to pupils upon request. No pupil 19941  
shall be suspended, expelled, or removed except in accordance with 19942  
the policy adopted by the board of education of the school 19943  
district in which the pupil attends school, and no pupil shall be 19944  
permanently excluded except in accordance with sections 3301.121 19945  
and 3313.662 of the Revised Code. 19946

(B) A board of education may establish a program and adopt 19947  
guidelines under which a superintendent may require a pupil to 19948  
perform community service in conjunction with a suspension or 19949  
expulsion imposed under section 3313.66 of the Revised Code or in 19950  
place of a suspension or expulsion imposed under section 3313.66 19951  
of the Revised Code except for an expulsion imposed pursuant to 19952  
division (B)(2) of that section. If a board adopts guidelines 19953  
under this division, they shall permit, except with regard to an 19954  
expulsion pursuant to division (B)(2) of section 3313.66 of the 19955  
Revised Code, a superintendent to impose a community service 19956  
requirement beyond the end of the school year in lieu of applying 19957  
the suspension or expulsion into the following school year. Any 19958  
guidelines adopted shall be included in the policy adopted under 19959  
this section. 19960

(C) The written policy of each board of education that is 19961  
adopted pursuant to section 3313.20 of the Revised Code shall be 19962  
posted in a central location in each school that is subject to the 19963  
policy and shall be made available to pupils upon request. 19964

(D) Any policy, program, or guideline adopted by a board of 19965

education under this section with regard to suspensions or 19966  
expulsions pursuant to division (A) or (B) of section 3313.66 of 19967  
the Revised Code shall apply to any student, whether or not the 19968  
student is enrolled in the district, attending or otherwise 19969  
participating in any curricular program provided in a school 19970  
operated by the board or provided on any other property owned or 19971  
controlled by the board. 19972

(E) As used in this section, "permanently exclude" and 19973  
"permanent exclusion" have the same meanings as in section 19974  
3313.662 of the Revised Code. 19975

Sec. 3313.82. (A)(1) The boards of education of two or more 19976  
city, local, or exempted village school districts each having a 19977  
majority of its territory in a county with a population greater 19978  
than one million two hundred thousand, by adopting identical 19979  
resolutions, may enter into an agreement providing for the 19980  
creation of a student special services district for the purpose of 19981  
funding the following for students enrolled in those school 19982  
districts, including students diagnosed as autistic and students 19983  
with special needs, and their immediate family members: 19984

(a) Special education services; 19985

(b) Behavioral health services for persons with special 19986  
needs. 19987

If more than eight boards of education adopt resolutions to 19988  
form a student special services district, the boards may meet at 19989  
facilities of the educational service center of the county to 19990  
discuss membership in the district. 19991

(2) The territory of a student special services district at 19992  
any time shall be composed of the combined territories of the 19993  
school districts that are parties to the agreement at that time. 19994  
Services funded by a student special services district shall be 19995

available to all individuals enrolled in a school district that is 19996  
a part of the student special services district and members of 19997  
their immediate family. 19998

(3) The agreement may be amended pursuant to terms and 19999  
procedures mutually agreed to by the boards of education that are 20000  
parties to the agreement. 20001

(B) Each student special services district shall be governed 20002  
by a board of directors. The superintendent of each board of 20003  
education that is a party to the agreement shall serve on the 20004  
board of directors. The agreement shall provide for the terms of 20005  
office of directors. Directors shall receive no compensation, but 20006  
shall be reimbursed, from the special fund of the student special 20007  
services district, for the reasonable and necessary expenses they 20008  
incur in the performance of their duties for the district. The 20009  
agreement shall provide for the conduct of the board's initial 20010  
organizational meeting and for the frequency of subsequent 20011  
meetings and quorum requirements. At its first meeting, the board 20012  
shall designate from among its members a president and secretary 20013  
in the manner provided in the agreement. 20014

The board of directors of a student special services district 20015  
is a body corporate and politic, is capable of suing and being 20016  
sued, is capable of contracting within the limits of this section 20017  
and the agreement governing the district, and is capable of 20018  
accepting gifts, donations, bequests, or other grants of money for 20019  
use in paying its expenses. The district is a public office and 20020  
its directors are public officials within the meaning of section 20021  
117.01 of the Revised Code, the board of directors is a public 20022  
body within the meaning of section 121.22 of the Revised Code, and 20023  
records of the board and of the district are public records within 20024  
the meaning of section 149.43 of the Revised Code. 20025

The agreement shall require the board to designate a 20026  
permanent location for its offices and meeting place, and may 20027

provide for the use of such facilities and property for the 20028  
provision of services by the agencies with which the board 20029  
contracts under division (C) of this section. 20030

(C)(1) To provide the services identified in division (A)(1) 20031  
of this section, the board of directors of a student special 20032  
services district shall provide for the hiring of employees or 20033  
shall contract with one or more entities. Except as provided in 20034  
division (C)(2) of this section, any entity with which the board 20035  
of directors contracts to provide the services identified in 20036  
division (A)(1)(b) shall be a qualified nonprofit, nationally 20037  
accredited agency to which all of the following apply: 20038

(a) The agency is licensed or certified by the departments of 20039  
mental health, job and family services, and alcohol and drug 20040  
addiction services. 20041

(b) The agency is chartered by the department of education 20042  
and provides services to persons diagnosed with autism. 20043

(c) The agency provides school-based behavioral health 20044  
services. 20045

(2) The board of directors may contract with an entity that 20046  
does not meet the conditions stated in division (C)(1) of this 20047  
section if the services to be provided by the entity are only 20048  
incidental to the services identified in division (A)(1)(b) of 20049  
this section. 20050

(3) The board of directors may levy a tax throughout the 20051  
district as provided in section 5705.219 of the Revised Code. The 20052  
board of directors shall provide for the creation of a special 20053  
fund to hold the proceeds of any tax levied under section 5705.219 20054  
of the Revised Code and any gifts, donations, bequests, or other 20055  
grants of money coming into the possession of the district. A 20056  
student special services district is a subdivision, and the board 20057  
of directors is a governing body, within the meaning of section 20058

135.01 of the Revised Code. The board of directors may not issue securities or otherwise incur indebtedness. 20059  
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(4) The adoption or rejection by electors of a tax levy to fund a student special services district pursuant to section 5705.219 of the Revised Code does not alter the duty of each school district member of the student special services district to provide special education and related services as required under Chapter 3323. of the Revised Code. On the expiration of a student special services district levy, the state, member school districts of the student special services district, and any other governmental entity shall not be obligated to provide replacement funding for the revenues under the expired levy. The tax levy, in whole or in part, shall not be considered a levy for current operating expenses pursuant to division (A) of section 3317.01 of the Revised Code for any of the school districts that are members of the student special services district. 20061  
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(D)(1) The agreement shall provide for the manner of appointing an individual or entity to perform the duties of fiscal officer of the student special services district. The agreement shall specify the length of time the individual or entity shall perform those duties and whether the individual or entity may be reappointed upon the completion of a term. The fiscal officer may receive compensation for performing the duties of the position and be reimbursed for reasonable expenses of performing those duties from the student special services district's special fund. 20075  
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(2) The legal advisor of the board of directors of a student special services district shall be the prosecuting attorney of the most populous county containing a school district that is a member of the student special services district. The prosecuting attorney shall prosecute all actions against a member of the board of directors for malfeasance or misfeasance in office and shall be the legal counsel for the board and its members in all other 20084  
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actions brought by or against them and shall conduct those actions 20091  
in the prosecuting attorney's official capacity. No compensation 20092  
in addition to the prosecuting attorney's regular salary shall be 20093  
allowed. 20094

(E) The board of directors of a student special services 20095  
district shall procure a policy or policies of insurance insuring 20096  
the board, the fiscal officer, and the legal representative 20097  
against liability on account of damage or injury to persons and 20098  
property. Before procuring such insurance the board shall adopt a 20099  
resolution setting forth the amount of insurance to be purchased, 20100  
the necessity of the insurance, and a statement of its estimated 20101  
premium cost. Insurance procured pursuant to this section shall be 20102  
from one or more recognized insurance companies authorized to do 20103  
business in this state. The cost of the insurance shall be paid 20104  
from the district's special fund. 20105

A student special services district is a political 20106  
subdivision within the meaning of section 2744.01 of the Revised 20107  
Code. 20108

(F)(1) The board of education of a school district having a 20109  
majority of its territory in the county may join an existing 20110  
student special services district by adopting a resolution 20111  
requesting to join as a party to the agreement and upon approval 20112  
by the boards of education that currently are parties to the 20113  
agreement. If a tax is levied in the student special services 20114  
district under section 5705.219 of the Revised Code, a board of 20115  
education may join the district only after a majority of qualified 20116  
electors in the school district voting on the question vote in 20117  
favor of levying the tax throughout the school district. A board 20118  
of education joining an existing district shall have the same 20119  
powers, rights, and obligations under the agreement as other 20120  
boards of education that are parties to the agreement. 20121

(2) A board of education that is a party to an agreement 20122

under this section may withdraw the school district from a student special services district by adopting a resolution. The withdrawal shall take effect on the date provided in the resolution. If a tax is levied in the student special services district under section 5705.219 of the Revised Code, the resolution shall take effect not later than the first day of January following adoption of the resolution. Beginning with the first day of January following adoption of the resolution, any tax levied under section 5705.219 of the Revised Code shall not be levied within the territory of the withdrawing school district. Any collection of tax levied in the territory of the withdrawing school district under that section that has not been settled and distributed when the resolution takes effect shall be credited to the district's special fund.

(G) An agreement entered into under this section shall provide for the manner of the student special services district's dissolution. The district shall cease to exist when not more than one school district remains in the district, and the levy of any tax under section 5705.219 of the Revised Code shall not be extended on the tax lists in any tax year beginning after the dissolution of the district. The agreement shall provide that, upon dissolution of the district, any unexpended balance in the district's special fund shall be divided among the school districts that are parties to the agreement immediately before dissolution in proportion to the taxable valuation of taxable property in the districts, and credited to their respective general funds.

**Sec. 3313.841.** The boards of education and governing boards of two or more city, local, joint vocational, or exempted village school districts or educational service centers may contract in accordance with the terms of this section for the sharing on a cooperative basis of the services of supervisory teachers, special

instruction teachers, special education teachers, and other 20155  
licensed personnel necessary to conduct approved cooperative 20156  
classes for special education and related services and gifted 20157  
education. 20158

The boards of two or more districts or service centers 20159  
desiring to enroll students in such classes shall each adopt 20160  
resolutions indicating such desire and designating one of the 20161  
participating districts or service centers as the funding agent 20162  
for purposes of this section. The district or service center 20163  
designated as the funding agent shall enter into an employment 20164  
contract with each licensed teacher whose services are to be 20165  
shared among the participating districts and service centers. In 20166  
turn, the funding agent shall enter into contracts with each of 20167  
the districts and service centers which have adopted resolutions 20168  
agreeing to participate in the cooperative program upon terms 20169  
agreed to by all parties to such contract. Such contracts between 20170  
districts and service centers shall set forth the services to be 20171  
provided by the licensed teacher employed by the funding agent 20172  
whose services are to be shared by the participating districts and 20173  
service centers and the basis for computing the amounts to be paid 20174  
for such services to the funding agent by the participating 20175  
districts and service centers. 20176

For purposes of division (B) of section 3317.05 of the 20177  
Revised Code, the funding agent shall count all pupils enrolled in 20178  
cooperative programs for ~~handicapped~~ pupils with disabilities as 20179  
pupils enrolled in such programs in the funding agent district. 20180  
Upon receipt of payment for such programs, the funding agent 20181  
district shall credit the account of districts participating in 20182  
the cooperative program for the amounts due under contracts 20183  
entered into under the terms of this section in proportion to the 20184  
number of resident students enrolled in the cooperative program 20185  
from each participating district and service center. 20186

In determining the terms of the contract entered into by the funding agent district or service center and the participating districts and service centers, the superintendent of schools of each participating board of education and governing board shall serve as a committee which shall recommend such terms to such boards.

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to either of the following:

(1) Any cooperative education school district;

(2) Any city or exempted village school district with a total student count of thirteen thousand or more determined pursuant to section 3317.03 of the Revised Code that has not entered into one or more agreements pursuant to this section prior to July 1, 1993, unless the district's total student count did not exceed thirteen thousand at the time it entered into an initial agreement under this section.

(B) The board of education of a city or exempted village school district and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the educational service center governing board will provide services to the city or exempted village school district.

Services provided under the agreement shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section

3319.02 of the Revised Code; and assistance in the provision of 20218  
special accommodations and classes for ~~handicapped~~ students with 20219  
disabilities. Services included in the agreement shall be provided 20220  
to the city or exempted village district in the same manner they 20221  
are provided to local school districts under the governing board's 20222  
supervision, unless otherwise specified in the agreement. The city 20223  
or exempted village board of education shall reimburse the 20224  
educational service center governing board pursuant to section 20225  
3317.11 of the Revised Code. 20226

(C) If an educational service center received funding under 20227  
division (B) of former section 3317.11 or division (F) of section 20228  
3317.11 of the Revised Code for an agreement under this section 20229  
involving a city school district whose total student count was 20230  
less than thirteen thousand, the service center may continue to 20231  
receive funding under that division for such an agreement in any 20232  
subsequent year if the city district's total student count exceeds 20233  
thirteen thousand. However, only the first thirteen thousand 20234  
pupils in the formula ADM of such district shall be included in 20235  
determining the amount of the per pupil subsidy the service center 20236  
shall receive under division (F) of section 3317.11 of the Revised 20237  
Code. 20238

(D) Any agreement entered into pursuant to this section shall 20239  
be valid only if a copy is filed with the department of education 20240  
by the first day of the school year for which the agreement is in 20241  
effect. 20242

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 20243  
and division (D) of section 3311.52 of the Revised Code, this 20244  
section does not apply to any joint vocational or cooperative 20245  
education school district. 20246

(A) As used in this section: 20247

(1) "Parent" has the same meaning as in section 3313.64 of 20248

the Revised Code. 20249

(2) "Alternative school" means a school building other than 20250  
the one to which a student is assigned by the district 20251  
superintendent. 20252

(3) "IEP" ~~means an individualized education program defined~~ 20253  
~~by division (E) of~~ has the same meaning as in section 3323.01 of 20254  
the Revised Code. 20255

(B) The board of education of each city, local, and exempted 20256  
village school district shall adopt an open enrollment policy 20257  
allowing students entitled to attend school in the district 20258  
pursuant to section 3313.64 or 3313.65 of the Revised Code to 20259  
enroll in an alternative school. Each policy shall provide for the 20260  
following: 20261

(1) Application procedures, including deadlines for 20262  
application and for notification of students and principals of 20263  
alternative schools whenever a student's application is accepted. 20264  
The policy shall require a student to apply only if the student 20265  
wishes to attend an alternative school. 20266

(2) The establishment of district capacity limits by grade 20267  
level, school building, and education program; 20268

(3) A requirement that students enrolled in a school building 20269  
or living in any attendance area of the school building 20270  
established by the superintendent or board be given preference 20271  
over applicants; 20272

(4) Procedures to ensure that an appropriate racial balance 20273  
is maintained in the district schools. 20274

(C) Except as provided in section 3313.982 of the Revised 20275  
Code, the procedures for admitting applicants to alternative 20276  
schools shall not include: 20277

(1) Any requirement of academic ability, or any level of 20278

athletic, artistic, or other extracurricular skills; 20279

(2) Limitations on admitting applicants because of 20280  
~~handicapping~~ disabling conditions, except that a board may require 20281  
a student receiving services under Chapter 3323. of the Revised 20282  
Code to attend school where the services described in the 20283  
student's IEP are available; 20284

(3) A requirement that the student be proficient in the 20285  
English language; 20286

(4) Rejection of any applicant because the student has been 20287  
subject to disciplinary proceedings, except that if an applicant 20288  
has been suspended or expelled for ten consecutive days or more in 20289  
the term for which admission is sought or in the term immediately 20290  
preceding the term for which admission is sought, the procedures 20291  
may include a provision denying admission of such applicant to an 20292  
alternative school. 20293

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 20294  
except as provided in division (D)(2) of this section, a district 20295  
board is not required to provide transportation to a 20296  
~~nonhandicapped~~ nondisabled student enrolled in an alternative 20297  
school unless such student can be picked up and dropped off at a 20298  
regular school bus stop designated in accordance with the board's 20299  
transportation policy or unless the board is required to provide 20300  
additional transportation to the student in accordance with a 20301  
court-approved desegregation plan. 20302

(2) A district board shall provide transportation to any 20303  
student enrolled in an alternative school pursuant to division (E) 20304  
of section 3302.04 of the Revised Code to the extent required by 20305  
that division, except that no district board shall be required to 20306  
provide transportation to any student enrolled in an alternative 20307  
school pursuant to division (E) of section 3302.04 of the Revised 20308  
Code after the date the school in which the student was enrolled 20309

immediately prior to enrolling in the alternative school ceases to 20310  
be subject to that division. 20311

(E) Each school board shall provide information about the 20312  
policy adopted under this section and the application procedures 20313  
and deadlines to the parent of each student in the district and to 20314  
the general public. 20315

(F) The state board of education shall monitor school 20316  
districts to ensure compliance with this section and the 20317  
districts' policies. 20318

**Sec. 3313.974.** As used in this section and in sections 20319  
3313.975 to 3313.979 of the Revised Code: 20320

(A) "Individualized education program" and "~~handicapped~~ child 20321  
with a disability" have the same meanings as in section 3323.01 of 20322  
the Revised Code. 20323

(B) "Mainstreamed ~~handicapped~~ student with a disability" 20324  
means a ~~handicapped~~ child with a disability who has an 20325  
individualized education program providing for the student to 20326  
spend more than half of each school day in a regular school 20327  
setting with ~~nonhandicapped~~ nondisabled students. 20328

(C) "Separately educated ~~handicapped~~ student with a 20329  
disability" means a ~~handicapped~~ child with a disability who has an 20330  
individualized education program providing for the student to 20331  
spend at least half of each school day in a class or setting 20332  
separated from ~~nonhandicapped~~ nondisabled students. 20333

(D) "Low-income family" means a family whose income is below 20334  
the level which the superintendent of public instruction shall 20335  
establish. 20336

(E) "Parent" has the same meaning as in section 3313.98 of 20337  
the Revised Code. 20338

(F) "Registered private school" means a school registered 20339



with the superintendent of public instruction pursuant to section 20340  
3313.976 of the Revised Code. 20341

(G) "Alternative school" means a registered private school 20342  
located in a school district or a public school located in an 20343  
adjacent school district. 20344

(H) "Tutorial assistance" means instructional services 20345  
provided to a student outside of regular school hours approved by 20346  
the commission on school choice pursuant to section 3313.976 of 20347  
the Revised Code. 20348

**Sec. 3313.977.** (A)(1) Each registered private school shall 20349  
admit students to kindergarten and first, second, and third grades 20350  
in accordance with the following priorities: 20351

(a) Students who were enrolled in the school during the 20352  
preceding year; 20353

(b) Siblings of students enrolled in the school during the 20354  
preceding year, at the discretion of the school; 20355

(c) Children from low-income families attending school or 20356  
residing in the school district in which the school is located 20357  
until the number of such students in each grade equals the number 20358  
that constituted twenty per cent of the total number of students 20359  
enrolled in the school during the preceding year in such grade. 20360  
Admission of such twenty per cent shall be by lot from among all 20361  
low-income family applicants who apply prior to the fifteenth day 20362  
of February prior to admission. 20363

(d) All other applicants residing anywhere, provided that all 20364  
remaining available spaces shall be filled from among such 20365  
applicants by lot. 20366

Children from low-income families not selected by lot under 20367  
division (A)(1)(c) of this section shall be included in the 20368  
lottery of all remaining applicants pursuant to division (A)(1)(d) 20369

of this section. 20370

(2) Each registered private school shall first admit to 20371  
grades four through twelve students who were enrolled in the 20372  
school during the preceding year. Any remaining spaces for 20373  
students in these grades may be filled as determined by the 20374  
school. 20375

(B) Notwithstanding division (A) of this section, except 20376  
where otherwise prohibited by federal law, a registered private 20377  
school may elect to admit students of only one gender and may deny 20378  
admission to any separately educated ~~handicapped~~ student with a 20379  
disability. 20380

(C) If a scholarship student who has been accepted in 20381  
accordance with this section fails to enroll in the school for any 20382  
reason or withdraws from the school during the school year for any 20383  
reason, the school may elect to replace such student with another 20384  
scholarship student only by first offering the admission to any 20385  
low-income scholarship students who filed applications by the 20386  
preceding fifteenth day of February and who were not accepted at 20387  
that time due to space limitations. 20388

**Sec. 3313.978.** (A) Annually by the first day of November, the 20389  
superintendent of public instruction shall notify the pilot 20390  
project school district of the number of initial scholarships that 20391  
the state superintendent will be awarding in each of grades 20392  
kindergarten through eight. 20393

The state superintendent shall provide information about the 20394  
scholarship program to all students residing in the district, 20395  
shall accept applications from any such students until such date 20396  
as shall be established by the state superintendent as a deadline 20397  
for applications, and shall establish criteria for the selection 20398  
of students to receive scholarships from among all those applying 20399  
prior to the deadline, which criteria shall give preference to 20400

students from low-income families. For each student selected, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, at any time before the beginning of the school year, of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:

(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A)

of section 3313.977 of the Revised Code; 20432

(ii) Within one week of the decision to admit the student if 20433  
the student is admitted pursuant to division (C) of section 20434  
3313.977 of the Revised Code. 20435

(c) The student actually enrolls in the registered private 20436  
school to which the student was first admitted or in another 20437  
registered private school in the district or in a public school in 20438  
an adjacent school district. 20439

(B) The state superintendent shall also award in any school 20440  
year tutorial assistance grants to a number of students equal to 20441  
the number of students who receive scholarships under division (A) 20442  
of this section. Tutorial assistance grants shall be awarded 20443  
solely to students who are enrolled in the public schools of the 20444  
district in a grade level covered by the pilot project. Tutorial 20445  
assistance grants may be used solely to obtain tutorial assistance 20446  
from a provider approved pursuant to division (D) of section 20447  
3313.976 of the Revised Code. 20448

All students wishing to obtain tutorial assistance grants 20449  
shall make application to the state superintendent by the first 20450  
day of the school year in which the assistance will be used. The 20451  
state superintendent shall award assistance grants in accordance 20452  
with criteria the superintendent shall establish. For each student 20453  
awarded a grant, the state superintendent shall also determine 20454  
whether the student qualifies for seventy-five or ninety per cent 20455  
of the grant amount and so notify the student. Students whose 20456  
family income is at or above two hundred per cent of the maximum 20457  
income level established by the state superintendent for 20458  
low-income families shall qualify for seventy-five per cent of the 20459  
grant amount and students whose family income is below two hundred 20460  
per cent of that maximum income level shall qualify for ninety per 20461  
cent of the grant amount. 20462

(C)(1) In the case of basic scholarships for students in 20463  
grades kindergarten through eight, the scholarship amount shall 20464  
not exceed the lesser of the tuition charges of the alternative 20465  
school the scholarship recipient attends or three thousand dollars 20466  
before fiscal year 2007 and three thousand four hundred fifty 20467  
dollars in fiscal year 2007 and thereafter. 20468

In the case of basic scholarships for students in grades nine 20469  
through twelve, the scholarship amount shall not exceed the lesser 20470  
of the tuition charges of the alternative school the scholarship 20471  
recipient attends or two thousand seven hundred dollars before 20472  
fiscal year 2007 and three thousand four hundred fifty dollars in 20473  
fiscal year 2007 and thereafter. 20474

(2) The state superintendent shall provide for an increase in 20475  
the basic scholarship amount in the case of any student who is a 20476  
mainstreamed ~~handicapped~~ student with a disability and shall 20477  
further increase such amount in the case of any separately 20478  
educated ~~handicapped-child~~ student with a disability. Such 20479  
increases shall take into account the instruction, related 20480  
services, and transportation costs of educating such students. 20481

(3) In the case of tutorial assistance grants, the grant 20482  
amount shall not exceed the lesser of the provider's actual 20483  
charges for such assistance or: 20484

(a) Before fiscal year 2007, a percentage established by the 20485  
state superintendent, not to exceed twenty per cent, of the amount 20486  
of the pilot project school district's average basic scholarship 20487  
amount; 20488

(b) In fiscal year 2007 and thereafter, four hundred dollars. 20489

(4) No scholarship or tutorial assistance grant shall be 20490  
awarded unless the state superintendent determines that 20491  
twenty-five or ten per cent, as applicable, of the amount 20492  
specified for such scholarship or grant pursuant to division 20493

(C)(1), (2), or (3) of this section will be furnished by a 20494  
political subdivision, a private nonprofit or for profit entity, 20495  
or another person. Only seventy-five or ninety per cent of such 20496  
amounts, as applicable, shall be paid from state funds pursuant to 20497  
section 3313.979 of the Revised Code. 20498

(D)(1) Annually by the first day of November, the state 20499  
superintendent shall estimate the maximum per-pupil scholarship 20500  
amounts for the ensuing school year. The state superintendent 20501  
shall make this estimate available to the general public at the 20502  
offices of the district board of education together with the forms 20503  
required by division (D)(2) of this section. 20504

(2) Annually by the fifteenth day of January, the chief 20505  
administrator of each registered private school located in the 20506  
pilot project district and the principal of each public school in 20507  
such district shall complete a parental information form and 20508  
forward it to the president of the board of education. The 20509  
parental information form shall be prescribed by the department of 20510  
education and shall provide information about the grade levels 20511  
offered, the numbers of students, tuition amounts, achievement 20512  
test results, and any sectarian or other organizational 20513  
affiliations. 20514

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 20515  
and division (D) of section 3311.52 of the Revised Code, the 20516  
provisions of this section and sections 3313.981 to 3313.983 of 20517  
the Revised Code that apply to a city school district do not apply 20518  
to a joint vocational or cooperative education school district 20519  
unless expressly specified. 20520

(A) As used in this section and sections 3313.981 to 3313.983 20521  
of the Revised Code: 20522

(1) "Parent" means either of the natural or adoptive parents 20523  
of a student, except under the following conditions: 20524

(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. 20556  
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- (7) "Adjusted formula amount" means the ~~greater of the~~ following: 20558  
20559
- ~~(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;~~ 20560  
20561  
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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 supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 20564  
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- (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. 20569  
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- (9) "IEP" ~~means an individualized education program defined by division (E) of~~ has the same meaning as in section 3323.01 of the Revised Code. 20574  
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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. 20577  
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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. 20580  
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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 20583  
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20585



district that does not contain the territory of the district for 20586  
which that student is a native student in accordance with a policy 20587  
adopted under section 3313.983 of the Revised Code. 20588

(B)(1) The board of education of each city, local, and 20589  
exempted village school district shall adopt a resolution 20590  
establishing for the school district one of the following 20591  
policies: 20592

(a) A policy that entirely prohibits the enrollment of 20593  
students from adjacent districts or other districts, other than 20594  
students for whom tuition is paid in accordance with section 20595  
3317.08 of the Revised Code; 20596

(b) A policy that permits enrollment of students from all 20597  
adjacent districts in accordance with policy statements contained 20598  
in the resolution; 20599

(c) A policy that permits enrollment of students from all 20600  
other districts in accordance with policy statements contained in 20601  
the resolution. 20602

(2) A policy permitting enrollment of students from adjacent 20603  
or from other districts, as applicable, shall provide for all of 20604  
the following: 20605

(a) Application procedures, including deadlines for 20606  
application and for notification of students and the 20607  
superintendent of the applicable district whenever an adjacent or 20608  
other district student's application is approved. 20609

(b) Procedures for admitting adjacent or other district 20610  
applicants free of any tuition obligation to the district's 20611  
schools, including, but not limited to: 20612

(i) The establishment of district capacity limits by grade 20613  
level, school building, and education program; 20614

(ii) A requirement that all native students wishing to be 20615

enrolled in the district will be enrolled and that any adjacent or 20616  
other district students previously enrolled in the district shall 20617  
receive preference over first-time applicants; 20618

(iii) Procedures to ensure that an appropriate racial balance 20619  
is maintained in the district schools. 20620

(C) Except as provided in section 3313.982 of the Revised 20621  
Code, the procedures for admitting adjacent or other district 20622  
students, as applicable, shall not include: 20623

(1) Any requirement of academic ability, or any level of 20624  
athletic, artistic, or other extracurricular skills; 20625

(2) Limitations on admitting applicants because of 20626  
~~handicapping conditions~~ disability, except that a board may refuse 20627  
to admit a student receiving services under Chapter 3323. of the 20628  
Revised Code, if the services described in the student's IEP are 20629  
not available in the district's schools; 20630

(3) A requirement that the student be proficient in the 20631  
English language; 20632

(4) Rejection of any applicant because the student has been 20633  
subject to disciplinary proceedings, except that if an applicant 20634  
has been suspended or expelled by the student's district for ten 20635  
consecutive days or more in the term for which admission is sought 20636  
or in the term immediately preceding the term for which admission 20637  
is sought, the procedures may include a provision denying 20638  
admission of such applicant. 20639

(D)(1) Each school board permitting only enrollment of 20640  
adjacent district students shall provide information about the 20641  
policy adopted under this section, including the application 20642  
procedures and deadlines, to the superintendent and the board of 20643  
education of each adjacent district and, upon request, to the 20644  
parent of any adjacent district student. 20645

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the

districts' policies. The board may adopt rules requiring uniform 20677  
application procedures, deadlines for application, notification 20678  
procedures, and record-keeping requirements for all school boards 20679  
that adopt policies permitting the enrollment of adjacent or other 20680  
district students, as applicable. If the state board adopts such 20681  
rules, no school board shall adopt a policy that conflicts with 20682  
those rules. 20683

(H) A resolution adopted by a board of education under this 20684  
section that entirely prohibits the enrollment of students from 20685  
adjacent and from other school districts does not abrogate any 20686  
agreement entered into under section 3313.841 or 3313.92 of the 20687  
Revised Code or any contract entered into under section 3313.90 of 20688  
the Revised Code between the board of education adopting the 20689  
resolution and the board of education of any adjacent or other 20690  
district or prohibit these boards of education from entering into 20691  
any such agreement or contract. 20692

(I) Nothing in this section shall be construed to permit or 20693  
require the board of education of a city, exempted village, or 20694  
local school district to exclude any native student of the 20695  
district from enrolling in the district. 20696

**Sec. 3313.983.** (A) The board of education of each joint 20697  
vocational school district shall adopt a policy pertaining to 20698  
enrollment of students who, upon enrollment, will be adjacent 20699  
district joint vocational students except that, in lieu of such a 20700  
policy, a board may adopt a policy pertaining to enrollment of 20701  
students who, upon enrollment, will be other district joint 20702  
vocational students. Any such policy to enroll other district 20703  
joint vocational students shall apply beginning with the school 20704  
year that commences July 1, 1998. 20705

A policy adopted under this section shall provide for all of 20706  
the following: 20707

(1) Application procedures, including procedures for notifying any future adjacent district or other district joint vocational students, as applicable, and the superintendent of the city, exempted village, or local school districts in which they are also enrolled whenever their applications are approved;

(2) Procedures for admitting to the district applicants who will be, as applicable, adjacent district or other district joint vocational students, including, but not limited to:

(a) The establishment of district capacity limits by grade level, school building, and education program;

(b) A requirement that all students entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district that has territory in the joint vocational school district will be enrolled in the district ahead of any adjacent district or other district joint vocational students;

(c) A requirement that any previously enrolled adjacent district or other district joint vocational student, as applicable, shall receive preference over first-time applicants to become adjacent district or other district joint vocational students.

(B) The procedures for admitting students who will be, as applicable, adjacent district or other district joint vocational students shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of ~~handicapping conditions~~ disability, except that a board may refuse to admit an applicant receiving services under Chapter 3323. of the Revised Code if the services described in the student's IEP are not available in the district;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by any school district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(C) The board of education of each joint vocational school district shall provide information about the policy it adopts under this section, including the application procedures, to the superintendent and the board of education of each city, exempted village, and local school district with territory in the district and, upon request, to the parent of any student who could become, as applicable, an adjacent district or other district joint vocational student of the district.

**Sec. 3314.015.** (A) The department of education shall be responsible for the oversight of sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training sessions and distribute informational materials;

(2) Approve entities to be sponsors of community schools and monitor the effectiveness of those sponsors in their oversight of the schools with which they have contracted;

(3) By December thirty-first of each year, issue a report to 20769  
the governor, the speaker of the house of representatives, the 20770  
president of the senate, and the chairpersons of the house and 20771  
senate committees principally responsible for education matters 20772  
regarding the effectiveness of academic programs, operations, and 20773  
legal compliance and of the financial condition of all community 20774  
schools established under this chapter; 20775

(4) From time to time, make legislative recommendations to 20776  
the general assembly designed to enhance the operation and 20777  
performance of community schools. 20778

(B)(1) No entity listed in division (C)(1) of section 3314.02 20779  
of the Revised Code shall enter into a preliminary agreement under 20780  
division (C)(2) of section 3314.02 of the Revised Code until it 20781  
has received approval from the department of education to sponsor 20782  
community schools under this chapter and has entered into a 20783  
written agreement with the department regarding the manner in 20784  
which the entity will conduct such sponsorship. The department 20785  
shall adopt in accordance with Chapter 119. of the Revised Code 20786  
rules containing criteria, procedures, and deadlines for 20787  
processing applications for such approval, for oversight of 20788  
sponsors, for revocation of the approval of sponsors, and for 20789  
entering into written agreements with sponsors. The rules shall 20790  
require an entity to submit evidence of the entity's ability and 20791  
willingness to comply with the provisions of division (D) of 20792  
section 3314.03 of the Revised Code. The rules also shall require 20793  
entities approved as sponsors on and after June 30, 2005, to 20794  
demonstrate a record of financial responsibility and successful 20795  
implementation of educational programs. If an entity seeking 20796  
approval on or after June 30, 2005, to sponsor community schools 20797  
in this state sponsors or operates schools in another state, at 20798  
least one of the schools sponsored or operated by the entity must 20799  
be comparable to or better than the performance of Ohio schools in 20800

~~a state of academic watch~~ need of continuous improvement under 20801  
section 3302.03 of the Revised Code, as determined by the 20802  
department. 20803

An entity that sponsors community schools may enter into 20804  
preliminary agreements and sponsor schools as follows, provided 20805  
each school and the contract for sponsorship meets the 20806  
requirements of this chapter: 20807

(a) An entity that sponsored fifty or fewer schools that were 20808  
open for operation as of May 1, 2005, may sponsor not more than 20809  
fifty schools. 20810

(b) An entity that sponsored more than fifty but not more 20811  
than seventy-five schools that were open for operation as of May 20812  
1, 2005, may sponsor not more than the number of schools the 20813  
entity sponsored that were open for operation as of May 1, 2005. 20814

(c) Until June 30, 2006, an entity that sponsored more than 20815  
seventy-five schools that were open for operation as of May 1, 20816  
2005, may sponsor not more than the number of schools the entity 20817  
sponsored that were open for operation as of May 1, 2005. After 20818  
June 30, 2006, such an entity may sponsor not more than 20819  
seventy-five schools. 20820

Upon approval of an entity to be a sponsor under this 20821  
division, the department shall notify the entity of the number of 20822  
schools the entity may sponsor. 20823

The limit imposed on an entity to which division (B)(1) of 20824  
this section applies shall be decreased by one for each school 20825  
sponsored by the entity that permanently closes. 20826

If at any time an entity exceeds the number of schools it may 20827  
sponsor under this division, the department shall assist the 20828  
schools in excess of the entity's limit in securing new sponsors. 20829  
If a school is unable to secure a new sponsor, the department 20830  
shall assume sponsorship of the school in accordance with division 20831



(C) of this section. Those schools for which another sponsor or 20832  
the department assumes sponsorship shall be the schools that most 20833  
recently entered into contracts with the entity under section 20834  
3314.03 of the Revised Code. 20835

(2) The department of education shall determine, pursuant to 20836  
criteria adopted by rule of the department, whether the mission 20837  
proposed to be specified in the contract of a community school to 20838  
be sponsored by a state university board of trustees or the 20839  
board's designee under division (C)(1)(e) of section 3314.02 of 20840  
the Revised Code complies with the requirements of that division. 20841  
Such determination of the department is final. 20842

(3) The department of education shall determine, pursuant to 20843  
criteria adopted by rule of the department, if any tax-exempt 20844  
entity under section 501(c)(3) of the Internal Revenue Code that 20845  
is proposed to be a sponsor of a community school is an 20846  
education-oriented entity for purpose of satisfying the condition 20847  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 20848  
Revised Code. Such determination of the department is final. 20849

(C) If at any time the state board of education finds that a 20850  
sponsor is not in compliance or is no longer willing to comply 20851  
with its contract with any community school or with the 20852  
department's rules for sponsorship, the state board or designee 20853  
shall conduct a hearing in accordance with Chapter 119. of the 20854  
Revised Code on that matter. If after the hearing, the state board 20855  
or designee has confirmed the original finding, the department of 20856  
education may revoke the sponsor's approval to sponsor community 20857  
schools and may assume the sponsorship of any schools with which 20858  
the sponsor has contracted until the earlier of the expiration of 20859  
two school years or until a new sponsor as described in division 20860  
(C)(1) of section 3314.02 of the Revised Code is secured by the 20861  
school's governing authority. The department may extend the term 20862  
of the contract in the case of a school for which it has assumed 20863

sponsorship under this division as necessary to accommodate the 20864  
term of the department's authorization to sponsor the school 20865  
specified in this division. 20866

(D) The decision of the department to disapprove an entity 20867  
for sponsorship of a community school or to revoke approval for 20868  
such sponsorship, as provided in division (C) of this section, may 20869  
be appealed by the entity in accordance with section 119.12 of the 20870  
Revised Code. 20871

(E) The department shall adopt procedures for use by a 20872  
community school governing authority and sponsor when the school 20873  
permanently closes and ceases operation, which shall include at 20874  
least procedures for data reporting to the department, handling of 20875  
student records, distribution of assets in accordance with section 20876  
3314.074 of the Revised Code, and other matters related to ceasing 20877  
operation of the school. 20878

(F) In carrying out its duties under this chapter, the 20879  
department shall not impose requirements on community schools or 20880  
their sponsors that are not permitted by law or duly adopted 20881  
rules. 20882

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 20883  
may be established under this chapter only if the school's 20884  
governing authority enters into a contract with an operator that 20885  
manages other schools in the United States that perform at a level 20886  
higher than academic watch. The governing authority of the 20887  
community school may sign a contract with an operator only if the 20888  
operator has fewer contracts with the governing authorities of new 20889  
start-up schools established under this chapter after June 30, 20890  
2007, than the number of schools managed by the operator in the 20891  
United States that perform at a level higher than academic watch, 20892  
as determined by the department of education. 20893

(B) Notwithstanding division (A) of this section, the 20894

governing authority of a start-up school sponsored by an entity 20895  
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 20896  
Revised Code may establish one additional school serving the same 20897  
grade levels and providing the same educational program as the 20898  
current start-up school and may open that additional school in the 20899  
2007-2008 school year, if both of the following conditions are 20900  
met: 20901

(1) The governing authority entered into another contract 20902  
with the same sponsor or a different sponsor described in 20903  
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 20904  
and filed a copy of that contract with the superintendent of 20905  
public instruction prior to March 15, 2006. 20906

(2) The governing authority's current school satisfies all of 20907  
the following conditions: 20908

(a) The school currently is rated as excellent or effective 20909  
pursuant to section 3302.03 of the Revised Code. 20910

(b) The school made adequate yearly progress, as defined in 20911  
section 3302.01 of the Revised Code, for the previous school year. 20912

(c) The school has been in operation for at least four school 20913  
years. 20914

(d) The school is not managed by an operator. 20915

**Sec. 3314.017.** Notwithstanding division (A) of section 20916  
3314.016 of the Revised Code, the governing authority of a 20917  
start-up school sponsored by an entity described in divisions 20918  
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may 20919  
establish one additional start-up school that is located in the 20920  
same school district as the current start-up school, regardless of 20921  
whether that district is a challenged school district as otherwise 20922  
required by division (C)(1) of section 3314.02 of the Revised 20923  
Code, and that provides a general educational program to students 20924

in grades kindergarten through six to facilitate their transition 20925  
to the current start-up school, and may open the additional 20926  
start-up school in the 2008-2009 school year, if both of the 20927  
following conditions are met: 20928

(A) The governing authority enters into another contract with 20929  
the same sponsor, which is hereby authorized to sponsor the 20930  
additional start-up school and to continue that sponsorship as 20931  
long as the entity sponsors the current start-up school, and files 20932  
a copy of the contract with the superintendent of public 20933  
instruction prior to March 15, 2008. 20934

(B) The governing authority's current school satisfies all of 20935  
the following conditions: 20936

(1) The school was rated excellent or effective pursuant to 20937  
section 3302.03 of the Revised Code for three of the four school 20938  
years beginning with the 2002-2003 school year and ending with the 20939  
2005-2006 school year. 20940

(2) The school made adequate yearly progress, as defined in 20941  
section 3302.01 of the Revised Code, for each of the four school 20942  
years beginning with the 2002-2003 school year and ending with the 20943  
2005-2006 school year. 20944

(3) The school was recognized by the superintendent of public 20945  
instruction as a school of promise for three of the four school 20946  
years beginning with the 2002-2003 school year and ending with the 20947  
2005-2006 school year. 20948

(4) The school has been in operation for at least five school 20949  
years. 20950

(5) The school is not managed by an operator. 20951

**Sec. 3314.02.** (A) As used in this chapter: 20952

(1) "Sponsor" means an entity listed in division (C)(1) of 20953  
this section, which has been approved by the department of 20954

education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(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;

(c) A big eight school district.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(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;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(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.

(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.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school 21017  
district with territory in the county in which is located the 21018  
majority of the territory of the district in which the school is 21019  
proposed to be located; 21020

(c) The board of education of any other city, local, or 21021  
exempted village school district having territory in the same 21022  
county where the district in which the school is proposed to be 21023  
located has the major portion of its territory; 21024

(d) The governing board of any educational service center, as 21025  
long as the proposed school will be located in a county within the 21026  
territory of the service center or in a county contiguous to such 21027  
county; 21028

(e) A sponsoring authority designated by the board of 21029  
trustees of any of the thirteen state universities listed in 21030  
section 3345.011 of the Revised Code or the board of trustees 21031  
itself as long as a mission of the proposed school to be specified 21032  
in the contract under division (A)(2) of section 3314.03 of the 21033  
Revised Code and as approved by the department of education under 21034  
division (B)(2) of section 3314.015 of the Revised Code will be 21035  
the practical demonstration of teaching methods, educational 21036  
technology, or other teaching practices that are included in the 21037  
curriculum of the university's teacher preparation program 21038  
approved by the state board of education; 21039

(f) Any qualified tax-exempt entity under section 501(c)(3) 21040  
of the Internal Revenue Code as long as all of the following 21041  
conditions are satisfied: 21042

(i) The entity has been in operation for at least five years 21043  
prior to applying to be a community school sponsor. 21044

(ii) The entity has assets of at least five hundred thousand 21045  
dollars and a demonstrated record of financial responsibility. 21046

(iii) The department of education has determined that the 21047

entity is an education-oriented entity under division (B)(3) of 21048  
section 3314.015 of the Revised Code and the entity has a 21049  
demonstrated record of successful implementation of educational 21050  
programs. 21051

(iv) The entity is not a community school. 21052

Any entity described in division (C)(1) of this section may 21053  
enter into a preliminary agreement pursuant to division (C)(2) of 21054  
this section with the proposing person or group. 21055

(2) A preliminary agreement indicates the intention of an 21056  
entity described in division (C)(1) of this section to sponsor the 21057  
community school. A proposing person or group that has such a 21058  
preliminary agreement may proceed to finalize plans for the 21059  
school, establish a governing authority as described in division 21060  
(E) of this section for the school, and negotiate a contract with 21061  
the entity. Provided the proposing person or group adheres to the 21062  
preliminary agreement and all provisions of this chapter, the 21063  
entity shall negotiate in good faith to enter into a contract in 21064  
accordance with section 3314.03 of the Revised Code. 21065

(3) A new start-up school that is established in a school 21066  
district while that district is either in a state of academic 21067  
emergency or in a state of academic watch under section 3302.03 of 21068  
the Revised Code may continue in existence once the school 21069  
district is no longer in a state of academic emergency or academic 21070  
watch, provided there is a valid contract between the school and a 21071  
sponsor. 21072

(4) A copy of every preliminary agreement entered into under 21073  
this division shall be filed with the superintendent of public 21074  
instruction. 21075

(D) A majority vote of the board of a sponsoring entity and a 21076  
majority vote of the members of the governing authority of a 21077  
community school shall be required to adopt a contract and convert 21078



the public school to a community school or establish the new 21079  
start-up school. Beginning September 29, 2005, adoption of the 21080  
contract shall occur not later than the fifteenth day of March, 21081  
and signing of the contract shall occur not later than the 21082  
fifteenth day of May, prior to the school year in which the school 21083  
will open. The governing authority shall notify the department of 21084  
education when the contract has been signed. Subject to sections 21085  
3314.013 ~~and~~, 3314.014, 3314.016, and 3314.017 of the Revised 21086  
Code, an unlimited number of community schools may be established 21087  
in any school district provided that a contract is entered into 21088  
for each community school pursuant to this chapter. 21089

(E)(1) As used in this division, "immediate relatives" are 21090  
limited to spouses, children, parents, grandparents, siblings, and 21091  
in-laws. 21092

Each new start-up community school established under this 21093  
chapter shall be under the direction of a governing authority 21094  
which shall consist of a board of not less than five individuals . 21095

No person shall serve on the governing authority or operate 21096  
the community school under contract with the governing authority 21097  
so long as the person owes the state any money or is in a dispute 21098  
over whether the person owes the state any money concerning the 21099  
operation of a community school that has closed. 21100

(2) No person shall serve on the governing authorities of 21101  
more than two start-up community schools at the same time. 21102

(3) No present or former member, or immediate relative of a 21103  
present or former member, of the governing authority of any 21104  
community school established under this chapter shall be an owner, 21105  
employee, or consultant of any nonprofit or for-profit operator of 21106  
a community school, ~~as defined in section 3314.014 of the Revised~~ 21107  
~~Code,~~ unless at least one year has elapsed since the conclusion of 21108  
the person's membership. 21109

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on the effective date of this amendment, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after the effective date of this amendment and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.

Sec. 3314.06. The governing authority of each community 21141  
school established under this chapter shall adopt admission 21142  
procedures that specify the following: 21143

(A) That except as otherwise provided in this section, 21144  
admission to the school shall be open to any individual age five 21145  
to twenty-two entitled to attend school pursuant to section 21146  
3313.64 or 3313.65 of the Revised Code in a school district in the 21147  
state. 21148

(B)(1) That admission to the school may be limited to 21149  
students who have attained a specific grade level or are within a 21150  
specific age group; to students that meet a definition of 21151  
"at-risk," as defined in the contract; to residents of a specific 21152  
geographic area within the district, as defined in the contract; 21153  
or to separate groups of autistic students and ~~nonhandicapped~~ 21154  
nondisabled students, as authorized in section 3314.061 of the 21155  
Revised Code and as defined in the contract. 21156

(2) For purposes of division (B)(1) of this section, 21157  
"at-risk" students may include those students identified as gifted 21158  
students under section 3324.03 of the Revised Code. 21159

(C) Whether enrollment is limited to students who reside in 21160  
the district in which the school is located or is open to 21161  
residents of other districts, as provided in the policy adopted 21162  
pursuant to the contract. 21163

(D)(1) That there will be no discrimination in the admission 21164  
of students to the school on the basis of race, creed, color, 21165  
~~handicapping condition~~ disability, or sex except that: 21166

(a) The governing authority may establish single-gender 21167  
schools for the purpose described in division (G) of this section 21168  
provided comparable facilities and learning opportunities are 21169  
offered for both boys and girls. Such comparable facilities and 21170

opportunities may be offered for each sex at separate locations. 21171

(b) The governing authority may establish a school that 21172  
simultaneously serves a group of students identified as autistic 21173  
and a group of students who are not ~~handicapped~~ disabled, as 21174  
authorized in section 3314.061 of the Revised Code. However, 21175  
unless the total capacity established for the school has been 21176  
filled, no student with any ~~handicap~~ disability shall be denied 21177  
admission on the basis of that ~~handicap~~ disability. 21178

(2) That upon admission of any ~~handicapped~~ student with a 21179  
disability, the community school will comply with all federal and 21180  
state laws regarding the education of ~~handicapped~~ students with 21181  
disabilities. 21182

(E) That the school may not limit admission to students on 21183  
the basis of intellectual ability, measures of achievement or 21184  
aptitude, or athletic ability, except that a school may limit its 21185  
enrollment to students as described in division (B) of this 21186  
section. 21187

(F) That the community school will admit the number of 21188  
students that does not exceed the capacity of the school's 21189  
programs, classes, grade levels, or facilities. 21190

(G) That the purpose of single-gender schools that are 21191  
established shall be to take advantage of the academic benefits 21192  
some students realize from single-gender instruction and 21193  
facilities and to offer students and parents residing in the 21194  
district the option of a single-gender education. 21195

(H) That, except as otherwise provided under division (B) of 21196  
this section or section 3314.061 of the Revised Code, if the 21197  
number of applicants exceeds the capacity restrictions of division 21198  
(F) of this section, students shall be admitted by lot from all 21199  
those submitting applications, except preference shall be given to 21200  
students attending the school the previous year and to students 21201

who reside in the district in which the school is located. 21202  
Preference may be given to siblings of students attending the 21203  
school the previous year. 21204

Notwithstanding divisions (A) to (H) of this section, in the 21205  
event the racial composition of the enrollment of the community 21206  
school is violative of a federal desegregation order, the 21207  
community school shall take any and all corrective measures to 21208  
comply with the desegregation order. 21209

**Sec. 3314.061.** A governing authority may establish a 21210  
community school under this chapter that is limited to providing 21211  
simultaneously special education and related services to a 21212  
specified number of students identified as autistic and regular 21213  
educational programs to a specified number of students who are not 21214  
~~handicapped~~ disabled. The contract between the governing authority 21215  
and the school's sponsor shall specify the target ratio of number 21216  
of autistic students to number of ~~nonhandicapped~~ nondisabled 21217  
students in the school's population, the total number of autistic 21218  
students that may be enrolled in the school, and the total number 21219  
of ~~nonhandicapped~~ nondisabled students that may be enrolled in the 21220  
school. A school established in accordance with this section is 21221  
subject to division (H) of section 3314.06 of the Revised Code, 21222  
except that because the governing authority establishes a separate 21223  
capacity for autistic students and ~~nonhandicapped~~ nondisabled 21224  
students, if the number of applicants among the group of autistic 21225  
students or the group of ~~nonhandicapped~~ students with disabilities 21226  
exceeds the capacity restrictions for that group, students shall 21227  
be admitted by lot from all those of that same group submitting 21228  
applications. However, unless the total capacity established for 21229  
the school has been filled, no student with any ~~handicap~~ 21230  
disability shall be denied admission on the basis of that ~~handicap~~ 21231  
disability. 21232

Sec. 3314.074. Divisions (A) and (B) of this section apply 21233  
only to the extent permitted under Chapter 1702. of the Revised 21234  
Code. 21235

(A) If any community school established under this chapter 21236  
permanently closes and ceases its operation as a community school, 21237  
the assets of that school shall be distributed first to the 21238  
retirement funds of employees of the school, employees of the 21239  
school, and private creditors who are owed compensation, and then 21240  
any remaining funds shall be paid to the ~~state treasury to the~~ 21241  
~~credit of the general revenue fund~~ department of education for 21242  
redistribution to the school districts in which the students who 21243  
were enrolled in the school at the time it ceased operation were 21244  
entitled to attend school under section 3313.64 or 3313.65 of the 21245  
Revised Code. The amount distributed to each school district shall 21246  
be proportional to the district's share of the total enrollment in 21247  
the community school. 21248

(B) If a community school closes and ceases to operate as a 21249  
community school and the school has received computer hardware or 21250  
software from the former Ohio SchoolNet commission or the eTech 21251  
Ohio commission, such hardware or software shall be returned to 21252  
the eTech Ohio commission, and the eTech Ohio commission shall 21253  
redistribute the hardware and software, to the extent such 21254  
redistribution is possible, to school districts in conformance 21255  
with the provisions of the programs operated and administered by 21256  
the eTech Ohio commission. 21257

(C) If the assets of the school are insufficient to pay all 21258  
persons or entities to whom compensation is owed, the 21259  
prioritization of the distribution of the assets to individual 21260  
persons or entities within each class of payees may be determined 21261  
by decree of a court in accordance with this section and Chapter 21262  
1702. of the Revised Code. 21263

Sec. 3314.08. (A) As used in this section:	21264
(1) "Base formula amount" means the amount specified as such	21265
in a community school's financial plan for a school year pursuant	21266
to division (A)(15) of section 3314.03 of the Revised Code.	21267
(2) <del>"Cost of doing business factor" has the same meaning as</del>	21268
<del>in section 3317.02 of the Revised Code.</del>	21269
<del>(3) "IEP" means an individualized education program as</del>	21270
<del>defined</del> <u>has the same meaning as</u> in section 3323.01 of the Revised	21271
Code.	21272
<del>(4)</del> (3) "Applicable special education weight" means the	21273
multiple specified in section 3317.013 of the Revised Code for a	21274
<del>handicap</del> <u>disability</u> described in that section.	21275
<del>(5)</del> (4) "Applicable vocational education weight" means:	21276
(a) For a student enrolled in vocational education programs	21277
or classes described in division (A) of section 3317.014 of the	21278
Revised Code, the multiple specified in that division;	21279
(b) For a student enrolled in vocational education programs	21280
or classes described in division (B) of section 3317.014 of the	21281
Revised Code, the multiple specified in that division.	21282
<del>(6)</del> (5) "Entitled to attend school" means entitled to attend	21283
school in a district under section 3313.64 or 3313.65 of the	21284
Revised Code.	21285
<del>(7)</del> (6) A community school student is "included in the poverty	21286
student count" of a school district if the student is entitled to	21287
attend school in the district and the student's family receives	21288
assistance under the Ohio works first program.	21289
<del>(8)</del> (7) "Poverty-based assistance reduction factor" means the	21290
percentage figure, if any, for reducing the per pupil amount of	21291
poverty-based assistance a community school is entitled to receive	21292

pursuant to divisions (D)(5) and ~~(6)~~ to (9) of this section in any 21293  
year, as specified in the school's financial plan for the year 21294  
pursuant to division (A)(15) of section 3314.03 of the Revised 21295  
Code. 21296

~~(9)~~(8) "All-day kindergarten" has the same meaning as in 21297  
section 3317.029 of the Revised Code. 21298

~~(10) "SF-3 payment" means the sum of the payments to a school 21299  
district in a fiscal year under divisions (A), (C)(1), (C)(4), 21300  
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 21301  
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 21302  
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 21303  
making the adjustments required by sections 3313.981 and 3313.979, 21304  
divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of 21305  
section 3317.023, and division (C) of section 3317.20 (9) "State 21306  
education aid" has the same meaning as in section 5751.20 of the 21307  
Revised Code. 21308~~

(B) The state board of education shall adopt rules requiring 21309  
both of the following: 21310

(1) The board of education of each city, exempted village, 21311  
and local school district to annually report the number of 21312  
students entitled to attend school in the district who are 21313  
enrolled in grades one through twelve in a community school 21314  
established under this chapter, the number of students entitled to 21315  
attend school in the district who are enrolled in kindergarten in 21316  
a community school, the number of those kindergartners who are 21317  
enrolled in all-day kindergarten in their community school, and 21318  
for each child, the community school in which the child is 21319  
enrolled. 21320

(2) The governing authority of each community school 21321  
established under this chapter to annually report all of the 21322  
following: 21323



(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;	21324 21325 21326 21327
(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	21328 21329 21330 21331
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a <del>handicap</del> <u>disability</u> described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	21332 21333 21334 21335
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	21336 21337 21338 21339 21340
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;	21341 21342 21343 21344 21345 21346 21347 21348 21349 21350
(f) The number of enrolled preschool <del>handicapped students</del> <u>children with disabilities</u> receiving special education services in a state-funded unit;	21351 21352 21353
(g) The community school's base formula amount;	21354

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school; 21355  
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(i) Any poverty-based assistance reduction factor that applies to a school year. 21357  
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(C) From the ~~SF-3 payment made to~~ state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet- or computer-based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's ~~SF-3 payment~~ state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. 21359  
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(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the ~~greater of the following:~~ 21372  
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~~(a) The fiscal year 2005 base formula amount of that community school as adjusted by the school district's fiscal year 2005 cost of doing business factor;~~ 21380  
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~~(b) The sum of (the current base formula amount of that community school times the school district's current cost of doing business factor) plus the per pupil amount of the~~ 21383  
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base funding supplements specified in divisions (C)(1) to (4) of 21386  
section 3317.012 of the Revised Code. 21387

(2) The sum of the amounts calculated under divisions 21388  
(C)(2)(a) and (b) of this section: 21389

(a) For each of the district's students reported under 21390  
division (B)(2)(c) of this section as enrolled in a community 21391  
school in grades one through twelve and receiving special 21392  
education and related services pursuant to an IEP for a ~~handicap~~ 21393  
disability described in section 3317.013 of the Revised Code, the 21394  
product of the applicable special education weight times the 21395  
community school's base formula amount; 21396

(b) For each of the district's students reported under 21397  
division (B)(2)(c) of this section as enrolled in kindergarten in 21398  
a community school and receiving special education and related 21399  
services pursuant to an IEP for a ~~handicap~~ disability described in 21400  
section 3317.013 of the Revised Code, one-half of the amount 21401  
calculated as prescribed in division (C)(2)(a) of this section. 21402

(3) For each of the district's students reported under 21403  
division (B)(2)(d) of this section for whom payment is made under 21404  
division (D)(4) of this section, the amount of that payment; 21405

(4) An amount equal to the sum of the amounts obtained when, 21406  
for each community school where the district's students are 21407  
enrolled, the number of the district's students enrolled in that 21408  
community school who are included in the district's poverty 21409  
student count is multiplied by the per pupil amount of 21410  
poverty-based assistance the school district receives that year 21411  
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 21412  
Code, as adjusted by any poverty-based assistance reduction factor 21413  
of that community school. ~~If the district receives poverty-based~~ 21414  
~~assistance under division (B) of that section, the per pupil~~ 21415  
~~amount of that aid is the quotient of the amount the district~~ 21416

~~received under that division divided by the district's poverty~~ 21417  
~~student count, as defined in that section. If the district~~ 21418  
~~receives poverty based assistance under division (C) of section~~ 21419  
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 21420  
for the district shall be calculated by the department. 21421

(5) An amount equal to the sum of the amounts obtained when, 21422  
for each community school where the district's students are 21423  
enrolled, the district's per pupil amount of aid received under 21424  
division (E) of section 3317.029 of the Revised Code, as adjusted 21425  
by any poverty-based assistance reduction factor of the community 21426  
school, is multiplied by the sum of the following: 21427

(a) The number of the district's students reported under 21428  
division (B)(2)(a) of this section who are enrolled in grades one 21429  
to three in that community school and who are not receiving 21430  
special education and related services pursuant to an IEP; 21431

(b) One-half of the district's students who are enrolled in 21432  
all-day or any other kindergarten class in that community school 21433  
and who are not receiving special education and related services 21434  
pursuant to an IEP; 21435

(c) One-half of the district's students who are enrolled in 21436  
all-day kindergarten in that community school and who are not 21437  
receiving special education and related services pursuant to an 21438  
IEP. 21439

The district's per pupil amount of aid under division (E) of 21440  
section 3317.029 of the Revised Code is the quotient of the amount 21441  
the district received under that division divided by the 21442  
district's kindergarten through third grade ADM, as defined in 21443  
that section. 21444

(6) An amount equal to the sum of the amounts obtained when, 21445  
for each community school where the district's students are 21446  
enrolled, the district's per pupil amount received under division 21447

(F) of section 3317.029 of the Revised Code, as adjusted by any 21448  
poverty-based assistance reduction factor of that community 21449  
school, is multiplied by the number of the district's students 21450  
enrolled in the community school who are identified as 21451  
limited-English proficient. 21452

(7) An amount equal to the sum of the amounts obtained when, 21453  
for each community school where the district's students are 21454  
enrolled, the district's per pupil amount received under division 21455  
(G) of section 3317.029 of the Revised Code, as adjusted by any 21456  
poverty-based assistance reduction factor of that community 21457  
school, is multiplied by the sum of the following: 21458

(a) The number of the district's students enrolled in grades 21459  
one through twelve in that community school; 21460

(b) One-half of the number of the district's students 21461  
enrolled in kindergarten in that community school. 21462

The district's per pupil amount under division (G) of section 21463  
3317.029 of the Revised Code is the district's amount per teacher 21464  
calculated under division (G)(1) or (2) of that section divided by 21465  
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 21466  
~~fiscal year 2007.~~ 21467

(8) An amount equal to the sum of the amounts obtained when, 21468  
for each community school where the district's students are 21469  
enrolled, the district's per pupil amount received under divisions 21470  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 21471  
by any poverty-based assistance reduction factor of that community 21472  
school, is multiplied by the sum of the following: 21473

(a) The number of the district's students enrolled in grades 21474  
one through twelve in that community school; 21475

(b) One-half of the number of the district's students 21476  
enrolled in kindergarten in that community school. 21477

The district's per pupil amount under divisions (H) and (I) 21478  
of section 3317.029 of the Revised Code is the amount calculated 21479  
under each division divided by the district's formula ADM, as 21480  
defined in section 3317.02 of the Revised Code. 21481

(9) An amount equal to the per pupil state parity aid funding 21482  
calculated for the school district under either division (C) or 21483  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 21484  
of the number of students in grades one through twelve, and 21485  
one-half of the number of students in kindergarten, who are 21486  
entitled to attend school in the district and are enrolled in a 21487  
community school as reported under division (B)(1) of this 21488  
section. 21489

(D) The department shall annually pay to a community school 21490  
established under this chapter the sum of the amounts described in 21491  
divisions (D)(1) to (10) of this section. However, the department 21492  
shall calculate and pay to each internet- or computer-based 21493  
community school only the amounts described in divisions (D)(1) to 21494  
(3) of this section. Furthermore, the sum of the payments to all 21495  
community schools under divisions (D)(1), (2), and (4) to (10) of 21496  
this section for the students entitled to attend school in any 21497  
particular school district shall not exceed the sum of that 21498  
district's ~~SF-3 payment~~ state education aid and its payment under 21499  
sections 321.24 and 323.156 of the Revised Code. If the sum of the 21500  
payments calculated under those divisions for the students 21501  
entitled to attend school in a particular school district exceeds 21502  
the sum of that district's ~~SF-3 payment~~ state education aid and 21503  
its payment under sections 321.24 and 323.156 of the Revised Code, 21504  
the department shall calculate and apply a proration factor to the 21505  
payments to all community schools under those divisions for the 21506  
students entitled to attend school in that district. 21507

(1) Subject to section 3314.085 of the Revised Code, an 21508  
amount equal to the sum of the amounts obtained when the number of 21509

students enrolled in grades one through twelve, plus one-half of 21510  
the kindergarten students in the school, reported under divisions 21511  
(B)(2)(a), (b), and (e) of this section who are not receiving 21512  
special education and related services pursuant to an IEP for a 21513  
handicap disability described in section 3317.013 of the Revised 21514  
Code is multiplied by the ~~greater of the following:~~ 21515

~~(a) The community school's fiscal year 2005 base formula 21516  
amount, as adjusted by the fiscal year 2005 cost of doing business 21517  
factor of the school district in which the student is entitled to 21518  
attend school;~~ 21519

~~(b) The sum of (the community school's current base formula 21520  
amount times the current cost of doing business factor of the 21521  
school district in which the student is entitled to attend school) 21522  
plus the per pupil amount of the base funding supplements 21523  
specified in divisions (C)(1) to (4) of section 3317.012 of the 21524  
Revised Code. 21525~~

(2) Prior to fiscal year 2007, the greater of the amount 21526  
calculated under division (D)(2)(a) or (b) of this section, and in 21527  
fiscal year 2007 and thereafter, the amount calculated under 21528  
division (D)(2)(b) of this section: 21529

(a) The aggregate amount that the department paid to the 21530  
community school in fiscal year 1999 for students receiving 21531  
special education and related services pursuant to IEPs, excluding 21532  
federal funds and state disadvantaged pupil impact aid funds; 21533

(b) The sum of the amounts calculated under divisions 21534  
(D)(2)(b)(i) and (ii) of this section: 21535

(i) For each student reported under division (B)(2)(c) of 21536  
this section as enrolled in the school in grades one through 21537  
twelve and receiving special education and related services 21538  
pursuant to an IEP for a handicap disability described in section 21539  
3317.013 of the Revised Code, the following amount: 21540

~~the greater of (the community school's fiscal year 2005~~ 21541  
~~base formula amount X the fiscal year 2005~~ 21542  
~~cost of doing business factor of the district~~ 21543  
~~where the student is entitled to attend school)~~ 21544  
~~or [(the school's current base formula amount times~~ 21545  
~~the current cost of doing business factor of the school district~~ 21546  
~~where the student is entitled to attend school) plus~~ 21547  
the per pupil amount of the base funding supplements specified in 21548  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~]~~ 21549  
+ (the applicable special education weight X the 21550  
community school's base formula amount); 21551

(ii) For each student reported under division (B)(2)(c) of 21552  
this section as enrolled in kindergarten and receiving special 21553  
education and related services pursuant to an IEP for a ~~handicap~~ 21554  
disability described in section 3317.013 of the Revised Code, 21555  
one-half of the amount calculated under the formula prescribed in 21556  
division (D)(2)(b)(i) of this section. 21557

(3) An amount received from federal funds to provide special 21558  
education and related services to students in the community 21559  
school, as determined by the superintendent of public instruction. 21560

(4) For each student reported under division (B)(2)(d) of 21561  
this section as enrolled in vocational education programs or 21562  
classes that are described in section 3317.014 of the Revised 21563  
Code, are provided by the community school, and are comparable as 21564  
determined by the superintendent of public instruction to school 21565  
district vocational education programs and classes eligible for 21566  
state weighted funding under section 3317.014 of the Revised Code, 21567  
an amount equal to the applicable vocational education weight 21568  
times the community school's base formula amount times the 21569  
percentage of time the student spends in the vocational education 21570  
programs or classes. 21571

(5) An amount equal to the sum of the amounts obtained when, 21572



for each school district where the community school's students are 21573  
entitled to attend school, the number of that district's students 21574  
enrolled in the community school who are included in the 21575  
district's poverty student count is multiplied by the per pupil 21576  
amount of poverty-based assistance that school district receives 21577  
that year pursuant to division ~~(B)~~ (C) of section 3317.029 of 21578  
the Revised Code, as adjusted by any poverty-based assistance 21579  
reduction factor of the community school. The per pupil amount of 21580  
aid shall be determined as described in division (C)(4) of this 21581  
section. 21582

(6) An amount equal to the sum of the amounts obtained when, 21583  
for each school district where the community school's students are 21584  
entitled to attend school, the district's per pupil amount of aid 21585  
received under division (E) of section 3317.029 of the Revised 21586  
Code, as adjusted by any poverty-based assistance reduction factor 21587  
of the community school, is multiplied by the sum of the 21588  
following: 21589

(a) The number of the district's students reported under 21590  
division (B)(2)(a) of this section who are enrolled in grades one 21591  
to three in that community school and who are not receiving 21592  
special education and related services pursuant to an IEP; 21593

(b) One-half of the district's students who are enrolled in 21594  
all-day or any other kindergarten class in that community school 21595  
and who are not receiving special education and related services 21596  
pursuant to an IEP; 21597

(c) One-half of the district's students who are enrolled in 21598  
all-day kindergarten in that community school and who are not 21599  
receiving special education and related services pursuant to an 21600  
IEP. 21601

The district's per pupil amount of aid under division (E) of 21602  
section 3317.029 of the Revised Code shall be determined as 21603

described in division (C)(5) of this section. 21604

(7) An amount equal to the sum of the amounts obtained when, 21605  
for each school district where the community school's students are 21606  
entitled to attend school, the number of that district's students 21607  
enrolled in the community school who are identified as 21608  
limited-English proficient is multiplied by the district's per 21609  
pupil amount received under division (F) of section 3317.029 of 21610  
the Revised Code, as adjusted by any poverty-based assistance 21611  
reduction factor of the community school. 21612

(8) An amount equal to the sum of the amounts obtained when, 21613  
for each school district where the community school's students are 21614  
entitled to attend school, the district's per pupil amount 21615  
received under division (G) of section 3317.029 of the Revised 21616  
Code, as adjusted by any poverty-based assistance reduction factor 21617  
of the community school, is multiplied by the sum of the 21618  
following: 21619

(a) The number of the district's students enrolled in grades 21620  
one through twelve in that community school; 21621

(b) One-half of the number of the district's students 21622  
enrolled in kindergarten in that community school. 21623

The district's per pupil amount under division (G) of section 21624  
3317.029 of the Revised Code shall be determined as described in 21625  
division (C)(7) of this section. 21626

(9) An amount equal to the sum of the amounts obtained when, 21627  
for each school district where the community school's students are 21628  
entitled to attend school, the district's per pupil amount 21629  
received under divisions (H) and (I) of section 3317.029 of the 21630  
Revised Code, as adjusted by any poverty-based assistance 21631  
reduction factor of the community school, is multiplied by the sum 21632  
of the following: 21633

(a) The number of the district's students enrolled in grades 21634

one through twelve in that community school; 21635

(b) One-half of the number of the district's students 21636  
enrolled in kindergarten in that community school. 21637

The district's per pupil amount under divisions (H) and (I) 21638  
of section 3317.029 of the Revised Code shall be determined as 21639  
described in division (C)(8) of this section. 21640

(10) An amount equal to the sum of the amounts obtained when, 21641  
for each school district where the community school's students are 21642  
entitled to attend school, the district's per pupil amount of 21643  
state parity aid funding calculated under either division (C) or 21644  
(D) of section 3317.0217 of the Revised Code is multiplied by the 21645  
sum of the number of that district's students enrolled in grades 21646  
one through twelve, and one-half of the number of that district's 21647  
students enrolled in kindergarten, in the community school as 21648  
reported under division (B)(2)(a) and (b) of this section. 21649

(E)(1) If a community school's costs for a fiscal year for a 21650  
student receiving special education and related services pursuant 21651  
to an IEP for a ~~handicap~~ disability described in divisions (B) to 21652  
(F) of section 3317.013 of the Revised Code exceed the threshold 21653  
catastrophic cost for serving the student as specified in division 21654  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 21655  
submit to the superintendent of public instruction documentation, 21656  
as prescribed by the superintendent, of all its costs for that 21657  
student. Upon submission of documentation for a student of the 21658  
type and in the manner prescribed, the department shall pay to the 21659  
community school an amount equal to the school's costs for the 21660  
student in excess of the threshold catastrophic costs. 21661

(2) The community school shall only report under division 21662  
(E)(1) of this section, and the department shall only pay for, the 21663  
costs of educational expenses and the related services provided to 21664  
the student in accordance with the student's individualized 21665

education program. Any legal fees, court costs, or other costs 21666  
associated with any cause of action relating to the student may 21667  
not be included in the amount. 21668

(F) A community school may apply to the department of 21669  
education for preschool ~~handicapped~~ children with disabilities or 21670  
gifted unit funding the school would receive if it were a school 21671  
district. Upon request of its governing authority, a community 21672  
school that received unit funding as a school district-operated 21673  
school before it became a community school shall retain any units 21674  
awarded to it as a school district-operated school provided the 21675  
school continues to meet eligibility standards for the unit. 21676

A community school shall be considered a school district and 21677  
its governing authority shall be considered a board of education 21678  
for the purpose of applying to any state or federal agency for 21679  
grants that a school district may receive under federal or state 21680  
law or any appropriations act of the general assembly. The 21681  
governing authority of a community school may apply to any private 21682  
entity for additional funds. 21683

(G) A board of education sponsoring a community school may 21684  
utilize local funds to make enhancement grants to the school or 21685  
may agree, either as part of the contract or separately, to 21686  
provide any specific services to the community school at no cost 21687  
to the school. 21688

(H) A community school may not levy taxes or issue bonds 21689  
secured by tax revenues. 21690

(I) No community school shall charge tuition for the 21691  
enrollment of any student. 21692

(J)(1)(a) A community school may borrow money to pay any 21693  
necessary and actual expenses of the school in anticipation of the 21694  
receipt of any portion of the payments to be received by the 21695  
school pursuant to division (D) of this section. The school may 21696

issue notes to evidence such borrowing. The proceeds of the notes 21697  
shall be used only for the purposes for which the anticipated 21698  
receipts may be lawfully expended by the school. 21699

(b) A school may also borrow money for a term not to exceed 21700  
fifteen years for the purpose of acquiring facilities. 21701

(2) Except for any amount guaranteed under section 3318.50 of 21702  
the Revised Code, the state is not liable for debt incurred by the 21703  
governing authority of a community school. 21704

(K) For purposes of determining the number of students for 21705  
which divisions (D)(5) and (6) of this section applies in any 21706  
school year, a community school may submit to the department of 21707  
job and family services, no later than the first day of March, a 21708  
list of the students enrolled in the school. For each student on 21709  
the list, the community school shall indicate the student's name, 21710  
address, and date of birth and the school district where the 21711  
student is entitled to attend school. Upon receipt of a list under 21712  
this division, the department of job and family services shall 21713  
determine, for each school district where one or more students on 21714  
the list is entitled to attend school, the number of students 21715  
residing in that school district who were included in the 21716  
department's report under section 3317.10 of the Revised Code. The 21717  
department shall make this determination on the basis of 21718  
information readily available to it. Upon making this 21719  
determination and no later than ninety days after submission of 21720  
the list by the community school, the department shall report to 21721  
the state department of education the number of students on the 21722  
list who reside in each school district who were included in the 21723  
department's report under section 3317.10 of the Revised Code. In 21724  
complying with this division, the department of job and family 21725  
services shall not report to the state department of education any 21726  
personally identifiable information on any student. 21727

(L) The department of education shall adjust the amounts 21728

subtracted and paid under divisions (C) and (D) of this section to 21729  
reflect any enrollment of students in community schools for less 21730  
than the equivalent of a full school year. The state board of 21731  
education within ninety days after April 8, 2003, shall adopt in 21732  
accordance with Chapter 119. of the Revised Code rules governing 21733  
the payments to community schools under this section and section 21734  
3314.13 of the Revised Code including initial payments in a school 21735  
year and adjustments and reductions made in subsequent periodic 21736  
payments to community schools and corresponding deductions from 21737  
school district accounts as provided under divisions (C) and (D) 21738  
of this section and section 3314.13 of the Revised Code. For 21739  
purposes of this section and section 3314.13 of the Revised Code: 21740

(1) A student shall be considered enrolled in the community 21741  
school for any portion of the school year the student is 21742  
participating at a college under Chapter 3365. of the Revised 21743  
Code. 21744

(2) A student shall be considered to be enrolled in a 21745  
community school during a school year for the period of time 21746  
beginning on the later of the date on which the school both has 21747  
received documentation of the student's enrollment from a parent 21748  
and the student has commenced participation in learning 21749  
opportunities as defined in the contract with the sponsor, or 21750  
thirty days prior to the date on which the student is entered into 21751  
the education management information system established under 21752  
section 3301.0714 of the Revised Code. For purposes of applying 21753  
this division and division (L)(3) of this section to a community 21754  
school student, "learning opportunities" shall be defined in the 21755  
contract, which shall describe both classroom-based and 21756  
non-classroom-based learning opportunities and shall be in 21757  
compliance with criteria and documentation requirements for 21758  
student participation which shall be established by the 21759  
department. Any student's instruction time in non-classroom-based 21760

learning opportunities shall be certified by an employee of the 21761  
community school. A student's enrollment shall be considered to 21762  
cease on the date on which any of the following occur: 21763

(a) The community school receives documentation from a parent 21764  
terminating enrollment of the student. 21765

(b) The community school is provided documentation of a 21766  
student's enrollment in another public or private school. 21767

(c) The community school ceases to offer learning 21768  
opportunities to the student pursuant to the terms of the contract 21769  
with the sponsor or the operation of any provision of this 21770  
chapter. 21771

(3) ~~A~~ The department shall determine each community school 21772  
student's percentage of full-time equivalency shall be considered 21773  
to be based on the percentage the hours of learning opportunity 21774  
offered opportunities provided by the community school to that 21775  
student, reported either as number of hours or number of days, is 21776  
of nine hundred and twenty hours the total learning opportunities 21777  
offered by the community school to a student who attends for the 21778  
school's entire school year. However, no internet- or 21779  
computer-based community school shall be credited for any time a 21780  
student spends participating in learning opportunities beyond ten 21781  
hours within any period of twenty-four consecutive hours. Whether 21782  
it reports hours or days of learning opportunities, each community 21783  
school shall offer not less than nine hundred twenty hours of 21784  
learning opportunities during the school year. 21785

(M) The department of education shall reduce the amounts paid 21786  
under division (D) of this section to reflect payments made to 21787  
colleges under division (B) of section 3365.07 of the Revised 21788  
Code. 21789

(N)(1) No student shall be considered enrolled in any 21790  
internet- or computer-based community school or, if applicable to 21791

the student, in any community school that is required to provide 21792  
the student with a computer pursuant to division (C) of section 21793  
3314.22 of the Revised Code, unless both of the following 21794  
conditions are satisfied: 21795

(a) The student possesses or has been provided with all 21796  
required hardware and software materials and all such materials 21797  
are operational so that the student is capable of fully 21798  
participating in the learning opportunities specified in the 21799  
contract between the school and the school's sponsor as required 21800  
by division (A)(23) of section 3314.03 of the Revised Code; 21801

(b) The school is in compliance with division (A) of section 21802  
3314.22 of the Revised Code, relative to such student. 21803

(2) In accordance with policies adopted jointly by the 21804  
superintendent of public instruction and the auditor of state, the 21805  
department shall reduce the amounts otherwise payable under 21806  
division (D) of this section to any community school that includes 21807  
in its program the provision of computer hardware and software 21808  
materials to any student, if such hardware and software materials 21809  
have not been delivered, installed, and activated for each such 21810  
student in a timely manner or other educational materials or 21811  
services have not been provided according to the contract between 21812  
the individual community school and its sponsor. 21813

The superintendent of public instruction and the auditor of 21814  
state shall jointly establish a method for auditing any community 21815  
school to which this division pertains to ensure compliance with 21816  
this section. 21817

The superintendent, auditor of state, and the governor shall 21818  
jointly make recommendations to the general assembly for 21819  
legislative changes that may be required to assure fiscal and 21820  
academic accountability for such schools. 21821

(O)(1) If the department determines that a review of a 21822



community school's enrollment is necessary, such review shall be 21823  
completed and written notice of the findings shall be provided to 21824  
the governing authority of the community school and its sponsor 21825  
within ninety days of the end of the community school's fiscal 21826  
year, unless extended for a period not to exceed thirty additional 21827  
days for one of the following reasons: 21828

(a) The department and the community school mutually agree to 21829  
the extension. 21830

(b) Delays in data submission caused by either a community 21831  
school or its sponsor. 21832

(2) If the review results in a finding that additional 21833  
funding is owed to the school, such payment shall be made within 21834  
thirty days of the written notice. If the review results in a 21835  
finding that the community school owes moneys to the state, the 21836  
following procedure shall apply: 21837

(a) Within ten business days of the receipt of the notice of 21838  
findings, the community school may appeal the department's 21839  
determination to the state board of education or its designee. 21840

(b) The board or its designee shall conduct an informal 21841  
hearing on the matter within thirty days of receipt of such an 21842  
appeal and shall issue a decision within fifteen days of the 21843  
conclusion of the hearing. 21844

(c) If the board has enlisted a designee to conduct the 21845  
hearing, the designee shall certify its decision to the board. The 21846  
board may accept the decision of the designee or may reject the 21847  
decision of the designee and issue its own decision on the matter. 21848

(d) Any decision made by the board under this division is 21849  
final. 21850

(3) If it is decided that the community school owes moneys to 21851  
the state, the department shall deduct such amount from the 21852

school's future payments in accordance with guidelines issued by 21853  
the superintendent of public instruction. 21854

(P) The department shall not subtract from a school 21855  
district's state aid account under division (C) of this section 21856  
and shall not pay to a community school under division (D) of this 21857  
section any amount for any of the following: 21858

(1) Any student who has graduated from the twelfth grade of a 21859  
public or nonpublic high school; 21860

(2) Any student who is not a resident of the state; 21861

(3) Any student who was enrolled in the community school 21862  
during the previous school year when tests were administered under 21863  
section 3301.0711 of the Revised Code but did not take one or more 21864  
of the tests required by that section and was not excused pursuant 21865  
to division (C)(1) or (3) of that section, unless the 21866  
superintendent of public instruction grants the student a waiver 21867  
from the requirement to take the test and a parent is not paying 21868  
tuition for the student pursuant to section 3314.26 of the Revised 21869  
Code. The superintendent may grant a waiver only for good cause in 21870  
accordance with rules adopted by the state board of education. 21871

(4) Any student who has attained the age of twenty-two years, 21872  
except for veterans of the armed services whose attendance was 21873  
interrupted before completing the recognized twelve-year course of 21874  
the public schools by reason of induction or enlistment in the 21875  
armed forces and who apply for enrollment in a community school 21876  
not later than four years after termination of war or their 21877  
honorable discharge. If, however, any such veteran elects to 21878  
enroll in special courses organized for veterans for whom tuition 21879  
is paid under federal law, or otherwise, the department shall not 21880  
subtract from a school district's state aid account under division 21881  
(C) of this section and shall not pay to a community school under 21882  
division (D) of this section any amount for that veteran. 21883

**Sec. 3314.083.** If the department of education pays a joint 21884  
vocational school district under division (G)(4) of section 21885  
3317.16 of the Revised Code for excess costs of providing special 21886  
education and related services to a ~~handicapped~~ student with a 21887  
disability who is enrolled in a community school, as calculated 21888  
under division (G)(2) of that section, the department shall deduct 21889  
the amount of that payment from the amount calculated for payment 21890  
to the community school under section 3314.08 of the Revised Code. 21891

**Sec. 3314.086.** If the department of education is required to 21892  
pay an amount under section 3353.25 of the Revised Code to a 21893  
school district delivering a course included in the clearinghouse 21894  
established under section 3353.21 of the Revised Code for a 21895  
student enrolled in a community school established under this 21896  
chapter, the department shall deduct the amount of that payment 21897  
from the amount calculated for payment to the community school 21898  
under section 3314.08 of the Revised Code. 21899

**Sec. 3314.087.** (A) As used in this section: 21900

(1) "Career-technical program" means vocational programs or 21901  
classes described in division (A) or (B) of section 3317.014 of 21902  
the Revised Code in which a student is enrolled. 21903

(2) "Formula ADM," "category one or two vocational education 21904  
ADM," and "FTE basis" have the same meanings as in section 3317.02 21905  
of the Revised Code. 21906

(3) "Resident school district" means the city, exempted 21907  
village, or local school district in which a student is entitled 21908  
to attend school under section 3313.64 or 3313.65 of the Revised 21909  
Code. 21910

(B) Notwithstanding anything to the contrary in this chapter 21911  
or Chapter 3317. of the Revised Code, a student enrolled in a 21912

community school may simultaneously enroll in the career-technical 21913  
program operated by the student's resident school district. On an 21914  
FTE basis, the student's resident school district shall count the 21915  
student in the category one or two vocational education ADM for 21916  
the proportion of the time the student is enrolled in the 21917  
district's career-technical program and, accordingly, the 21918  
department of education shall calculate funds under Chapter 3317. 21919  
for the district attributable to the student for the proportion of 21920  
time the student attends the career-technical program. The 21921  
community school shall count the student in its enrollment report 21922  
under section 3314.08 of the Revised Code and shall report to the 21923  
department the proportion of time that the student attends classes 21924  
at the community school. The department shall pay the community 21925  
school and deduct from the student's resident school district the 21926  
amount computed for the student under section 3314.08 of the 21927  
Revised Code in proportion to the fraction of the time on an FTE 21928  
basis that the student attends classes at the community school. 21929  
"Full-time equivalency" for a community school student, as defined 21930  
in division (L) of section 3314.08 of the Revised Code, does not 21931  
apply to the student. 21932

**Sec. 3314.088.** This section applies to any student who, in 21933  
accordance with division (A)(6)(b) of section 3314.03 of the 21934  
Revised Code, is withdrawn from a community school managed by an 21935  
operator for failure to participate in one hundred five 21936  
consecutive hours of the learning opportunities offered to the 21937  
student without a legitimate excuse. 21938

If a student to whom this section applies enrolls in the same 21939  
community school or a different community school managed by the 21940  
same operator in the same school year after becoming subject to 21941  
this section and that community school subsequently withdraws the 21942  
student in accordance with division (A)(6)(b) of section 3314.03 21943  
of the Revised Code prior to the end of the same school year, the 21944

department of education shall not pay any state funds under this 21945  
chapter for the student to that community school, and shall not 21946  
deduct any funds under this chapter for the student from the state 21947  
aid account of the school district in which the student is 21948  
entitled to attend school, for the period of one hundred five 21949  
consecutive hours of learning opportunities in which the student 21950  
failed to participate without a legitimate excuse. 21951

Sec. 3314.19. The sponsor of each community school annually 21952  
shall provide the following assurances in writing to the 21953  
department of education not later than ten business days prior to 21954  
the opening of the school: 21955

(A) That a current copy of the contract between the sponsor 21956  
and the governing authority of the school entered into under 21957  
section 3314.03 of the Revised Code has been filed with the state 21958  
office of community schools established under section 3314.11 of 21959  
the Revised Code and that any subsequent modifications to that 21960  
contract will be filed with the office; 21961

(B) That the school has submitted to the sponsor a plan for 21962  
providing special education and related services to students with 21963  
disabilities and has demonstrated the capacity to provide those 21964  
services in accordance with Chapter 3323. of the Revised Code and 21965  
federal law; 21966

(C) That the school has a plan and procedures for 21967  
administering the achievement tests and diagnostic assessments 21968  
prescribed by sections 3301.0710 and 3301.0715 of the Revised 21969  
Code; 21970

(D) That school personnel have the necessary training, 21971  
knowledge, and resources to properly use and submit information to 21972  
all databases maintained by the department for the collection of 21973  
education data, including the education management information 21974  
system established under section 3301.0714 of the Revised Code in 21975

<u>accordance with methods and timelines established under section</u>	21976
<u>3314.17 of the Revised Code;</u>	21977
<u>(E) That all required information about the school has been</u>	21978
<u>submitted to the Ohio education directory system or any successor</u>	21979
<u>system;</u>	21980
<u>(F) That the school will enroll at least the minimum number</u>	21981
<u>of students required by division (A)(11)(a) of section 3314.03 of</u>	21982
<u>the Revised Code in the school year for which the assurances are</u>	21983
<u>provided;</u>	21984
<u>(G) That all classroom teachers are licensed in accordance</u>	21985
<u>with sections 3319.22 to 3319.31 of the Revised Code, except for</u>	21986
<u>noncertificated persons engaged to teach up to twelve hours per</u>	21987
<u>week pursuant to section 3319.301 of the Revised Code;</u>	21988
<u>(H) That the school's fiscal officer is in compliance with</u>	21989
<u>section 3314.011 of the Revised Code;</u>	21990
<u>(I) That the school has complied with section 3319.39 of the</u>	21991
<u>Revised Code with respect to all employees who are responsible for</u>	21992
<u>the care, custody, or control of a child and that the school has</u>	21993
<u>conducted a criminal records check of each of its governing</u>	21994
<u>authority members;</u>	21995
<u>(J) That the school holds all of the following:</u>	21996
<u>(1) Proof of property ownership or a lease for the facilities</u>	21997
<u>used by the school;</u>	21998
<u>(2) A certificate of occupancy;</u>	21999
<u>(3) Liability insurance for the school, as required by</u>	22000
<u>division (A)(11)(b) of section 3314.03 of the Revised Code, that</u>	22001
<u>the sponsor considers sufficient to indemnify the school's</u>	22002
<u>facilities, staff, and governing authority against risk;</u>	22003
<u>(4) A satisfactory health and safety inspection;</u>	22004
<u>(5) A satisfactory fire inspection;</u>	22005

<u>(6) A valid food permit, if applicable.</u>	22006
<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>	22007 22008 22009
<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>	22010 22011 22012 22013
<u>(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.</u>	22014 22015
<b>Sec. 3317.01.</b> 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.	22016 22017 22018 22019 22020
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 possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.	22021 22022 22023 22024 22025 22026 22027 22028 22029 22030 22031
The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.	22032 22033 22034
Annually, the department of education shall calculate and	22035

report to each school district the district's total state and 22036  
local funds for providing an adequate basic education to the 22037  
district's ~~nonhandicapped~~ nondisabled students, utilizing the 22038  
determination in section 3317.012 of the Revised Code. In 22039  
addition, the department shall calculate and report separately for 22040  
each school district the district's total state and local funds 22041  
for providing an adequate education for its ~~handicapped~~ 22042  
with disabilities, utilizing the determinations in both sections 22043  
3317.012 and 3317.013 of the Revised Code. 22044

Not later than the thirty-first day of August of each fiscal 22045  
year, the department of education shall provide to each school 22046  
district and county MR/DD board a preliminary estimate of the 22047  
amount of funding that the department calculates the district will 22048  
receive under each of divisions (C)(1) and (4) of section 3317.022 22049  
of the Revised Code. No later than the first day of December of 22050  
each fiscal year, the department shall update that preliminary 22051  
estimate. 22052

Moneys distributed pursuant to this chapter shall be 22053  
calculated and paid on a fiscal year basis, beginning with the 22054  
first day of July and extending through the thirtieth day of June. 22055  
The moneys appropriated for each fiscal year shall be distributed 22056  
at least monthly to each school district unless otherwise provided 22057  
for. The state board shall submit a yearly distribution plan to 22058  
the controlling board at its first meeting in July. The state 22059  
board shall submit any proposed midyear revision of the plan to 22060  
the controlling board in January. Any year-end revision of the 22061  
plan shall be submitted to the controlling board in June. If 22062  
moneys appropriated for each fiscal year are distributed other 22063  
than monthly, such distribution shall be on the same basis for 22064  
each school district. 22065

The total amounts paid each month shall constitute, as nearly 22066  
as possible, one-twelfth of the total amount payable for the 22067



entire year. 22068

~~Until fiscal year 2007, payments~~ Payments made during the 22069  
first six months of the fiscal year may be based on an estimate of 22070  
the amounts payable for the entire year. Payments made in the last 22071  
six months shall be based on the final calculation of the amounts 22072  
payable to each school district for that fiscal year. Payments 22073  
made in the last six months may be adjusted, if necessary, to 22074  
correct the amounts distributed in the first six months, and to 22075  
reflect enrollment increases when such are at least three per 22076  
cent. 22077

~~Beginning in fiscal year 2007, payments shall be calculated~~ 22078  
~~to reflect the biannual reporting of average daily membership. In~~ 22079  
~~fiscal year 2007 and in each fiscal year thereafter, annualized~~ 22080  
~~periodic payments for each school district shall be based on the~~ 22081  
~~district's student counts certified pursuant to section 3317.03 of~~ 22082  
~~the Revised Code as follows:~~ 22083

~~the sum of one half of the number of students reported~~ 22084  
~~for the first full week in October plus one half of the~~ 22085  
~~average of the numbers reported for the first full week~~ 22086  
~~in October and for the first full week in February~~ 22087

Except as otherwise provided, payments under this chapter 22088  
shall be made only to those school districts in which: 22089

(A) The school district, except for any educational service 22090  
center and any joint vocational or cooperative education school 22091  
district, levies for current operating expenses at least twenty 22092  
mills. Levies for joint vocational or cooperative education school 22093  
districts or county school financing districts, limited to or to 22094  
the extent apportioned to current expenses, shall be included in 22095  
this qualification requirement. School district income tax levies 22096  
under Chapter 5748. of the Revised Code, limited to or to the 22097  
extent apportioned to current operating expenses, shall be 22098  
included in this qualification requirement to the extent 22099

determined by the tax commissioner under division (D) of section 22100  
3317.021 of the Revised Code. 22101

(B) The school year next preceding the fiscal year for which 22102  
such payments are authorized meets the requirement of section 22103  
3313.48 or 3313.481 of the Revised Code, with regard to the 22104  
minimum number of days or hours school must be open for 22105  
instruction with pupils in attendance, for individualized 22106  
parent-teacher conference and reporting periods, and for 22107  
professional meetings of teachers. This requirement shall be 22108  
waived by the superintendent of public instruction if it had been 22109  
necessary for a school to be closed because of disease epidemic, 22110  
hazardous weather conditions, inoperability of school buses or 22111  
other equipment necessary to the school's operation, damage to a 22112  
school building, or other temporary circumstances due to utility 22113  
failure rendering the school building unfit for school use, 22114  
provided that for those school districts operating pursuant to 22115  
section 3313.48 of the Revised Code the number of days the school 22116  
was actually open for instruction with pupils in attendance and 22117  
for individualized parent-teacher conference and reporting periods 22118  
is not less than one hundred seventy-five, or for those school 22119  
districts operating on a trimester plan the number of days the 22120  
school was actually open for instruction with pupils in attendance 22121  
not less than seventy-nine days in any trimester, for those school 22122  
districts operating on a quarterly plan the number of days the 22123  
school was actually open for instruction with pupils in attendance 22124  
not less than fifty-nine days in any quarter, or for those school 22125  
districts operating on a pentamester plan the number of days the 22126  
school was actually open for instruction with pupils in attendance 22127  
not less than forty-four days in any pentamester. 22128

A school district shall not be considered to have failed to 22129  
comply with this division or section 3313.481 of the Revised Code 22130  
because schools were open for instruction but either twelfth grade 22131

students were excused from attendance for up to three days or only 22132  
a portion of the kindergarten students were in attendance for up 22133  
to three days in order to allow for the gradual orientation to 22134  
school of such students. 22135

The superintendent of public instruction shall waive the 22136  
requirements of this section with reference to the minimum number 22137  
of days or hours school must be in session with pupils in 22138  
attendance for the school year succeeding the school year in which 22139  
a board of education initiates a plan of operation pursuant to 22140  
section 3313.481 of the Revised Code. The minimum requirements of 22141  
this section shall again be applicable to such a district 22142  
beginning with the school year commencing the second July 22143  
succeeding the initiation of one such plan, and for each school 22144  
year thereafter. 22145

A school district shall not be considered to have failed to 22146  
comply with this division or section 3313.48 or 3313.481 of the 22147  
Revised Code because schools were open for instruction but the 22148  
length of the regularly scheduled school day, for any number of 22149  
days during the school year, was reduced by not more than two 22150  
hours due to hazardous weather conditions. 22151

(C) The school district has on file, and is paying in 22152  
accordance with, a teachers' salary schedule which complies with 22153  
section 3317.13 of the Revised Code. 22154

A board of education or governing board of an educational 22155  
service center which has not conformed with other law and the 22156  
rules pursuant thereto, shall not participate in the distribution 22157  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 22158  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 22159  
and sufficient reason established to the satisfaction of the state 22160  
board of education and the state controlling board. 22161

All funds allocated to school districts under this chapter, 22162

except those specifically allocated for other purposes, shall be 22163  
used to pay current operating expenses only. 22164

**Sec. 3317.012.** (A) The general assembly, having deliberated 22165  
on the model with which to calculate the base cost of an adequate 22166  
education per pupil, has made a policy decision to calculate that 22167  
amount as consisting of the following building blocks: 22168

(1) Base classroom teachers; 22169

(2) Other personnel support, which includes additional 22170  
teachers, such as music, arts, and physical education teachers 22171  
funded by state, local, or federal funds or other funds that are 22172  
above the base cost funding level, and other school personnel 22173  
including administrators; 22174

(3) Nonpersonnel support. 22175

This model reflects policy decisions made by the general 22176  
assembly concerning the cost of base classroom teachers, which 22177  
decisions entail two policy variables: the number of students per 22178  
base classroom teacher necessary for an adequate education and the 22179  
average compensation for a base classroom teacher necessary for an 22180  
adequate education. The model requires the general assembly to 22181  
decide the amount of other personnel support necessary for an 22182  
adequate education, ~~and increase that amount from year to year by~~ 22183  
~~the same percentage as it increases the average compensation for~~ 22184  
~~base classroom teachers.~~ The model finally requires the general 22185  
assembly to decide the nonpersonnel costs necessary for an 22186  
adequate education and to inflate the nonpersonnel costs from year 22187  
to year using the projected inflationary measure for the gross 22188  
domestic product deflator (all items) prepared by the bureau of 22189  
labor statistics of the United States department of labor. 22190

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 22191  
resolved that a ratio of one base classroom teacher per twenty 22192

students is necessary for an adequate education. The general 22193  
assembly has made a policy decision that the average compensation 22194  
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 22195  
~~2006~~ 2008, which includes an amount for the value of fringe 22196  
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 22197  
resolved that a ratio of one base classroom teacher per twenty 22198  
students is necessary for an adequate education. The general 22199  
assembly has made a policy decision that the average compensation 22200  
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 22201  
2009, which includes an amount for the value of fringe benefits. 22202  
Based on a ratio of twenty students per base classroom teacher, 22203  
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 22204  
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 22205

(2) The general assembly has made a policy decision that the 22206  
per pupil cost of salary and benefits of other personnel support 22207  
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 22208  
increase for the ~~average compensation of base classroom teachers~~ 22209  
per pupil cost of salary and benefits of other personnel support 22210  
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 22211  
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 22212  
~~2007~~ 2009. 22213

(3) The general assembly has made a policy decision that the 22214  
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 22215  
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 22216  
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 22217  
for the gross domestic product deflator (all items) of ~~1.80%~~ 22218  
2.00%. 22219

(4) Based on the determinations specified in divisions (B)(1) 22220  
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 22221  
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 22222  
2009. 22223

(C) In addition to the per-pupil base cost as determined 22224

under divisions (A) and (B) of this section, the general assembly 22225  
determines that the following base funding supplements shall be 22226  
paid to each school district: 22227

(1) Base funding for large-group academic intervention for 22228  
all students, based on 25 hours per group of students per year at 22229  
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 22230  
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 22231

large-group intervention units X 25 hours X hourly rate 22232

Where: 22233

(a) "Large-group intervention units" equals the district's 22234  
formula ADM divided by 20; 22235

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 22236  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 22237

(2) Base funding for professional development, phased in 22238  
according to the following formula: 22239

district's teacher factor X 0.045 X 22240

formula amount X phase-in percentage 22241

Where: 22242

(a) For each school district, the district's "teacher factor" 22243  
is the district's formula ADM divided by 17; 22244

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 22245  
~~0.75 in fiscal year 2007.~~ 22246

(3) Base funding for data-based decision making, calculated 22247  
according to the following formula: 22248

0.001 X formula amount X formula ADM 22249

(4) Base funding for professional development regarding 22250  
data-based decision making, calculated according to the following 22251  
formula: 22252

(0.20 X the district's teacher factor X 0.08 X formula amount) + 22253

(the district's principal factor X 22254

0.08 X formula amount)	22255
Where:	22256
(a) For each school district, the district's "teacher factor" is the district's formula ADM divided by 17;	22257 22258
(b) For each school district, the district's "principal factor" is the district's formula ADM divided by 340.	22259 22260
(D) The general assembly intends that school districts spend the state funds calculated and paid for each component of the building blocks methodology described in divisions (B)(1) to (3) and (C)(1) to (4) of this section according to the purposes described in those divisions.	22261 22262 22263 22264 22265
<b>Sec. 3317.013.</b> Except for a <del>handicapped</del> preschool child <u>with a disability</u> for whom a scholarship has been awarded under section 3310.41 of the Revised Code, this section does not apply to <del>handicapped</del> preschool <del>students</del> <u>children with disabilities</u> .	22266 22267 22268 22269
Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:	22270 22271 22272 22273 22274 22275 22276 22277
(A) A multiple of 0.2892 for students whose primary or only identified <del>handicap</del> <u>disability</u> is a speech and language <del>handicap</del> <u>disability</u> , as this term is defined pursuant to Chapter 3323. of the Revised Code;	22278 22279 22280 22281
(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally <del>handicapped</del> <u>disabled</u> , as these terms are defined pursuant to Chapter 3323. of the Revised	22282 22283 22284

Code, or as having an other health ~~handicapped-minor~~ 22285  
impairment-minor; 22286

(C) A multiple of 1.7695 for students identified as hearing 22287  
~~handicapped~~ disabled, vision impaired, or severe behavior 22288  
~~handicapped~~ disabled, as these terms are defined pursuant to 22289  
Chapter 3323. of the Revised Code; 22290

(D) A multiple of 2.3646 for students identified as 22291  
orthopedically ~~handicapped~~ disabled, as this term is defined 22292  
pursuant to Chapter 3323. of the Revised Code or as having an 22293  
other health ~~handicapped—major~~ impairment-major; 22294

(E) A multiple of 3.1129 for students identified as 22295  
~~multihandicapped~~ having multiple disabilities, as this term is 22296  
defined pursuant to Chapter 3323. of the Revised Code; 22297

(F) A multiple of 4.7342 for students identified as autistic, 22298  
having traumatic brain injuries, or as both visually and hearing 22299  
~~disabled~~ impaired, as these terms are defined pursuant to Chapter 22300  
3323. of the Revised Code. 22301

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 22302  
specified in divisions (A) to (F) of this section ~~shall be~~ 22303  
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 22304  
~~and 2007, the multiples specified in those divisions~~ shall be 22305  
adjusted by multiplying them by 0.90. 22306

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 22307  
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 22308  
shall submit to the office of budget and management a report that 22309  
specifies for each city, local, exempted village, and joint 22310  
vocational school district the fiscal year allocation of the state 22311  
and local shares of special education and related services 22312  
additional weighted funding and federal special education funds 22313  
passed through to the district. 22314



Sec. 3317.014. The average vocational education additional 22315  
cost per pupil can be expressed as a multiple of the base cost per 22316  
pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 22317  
The multiples for the following categories of vocational education 22318  
programs are as follows: 22319

(A) A multiple of 0.57 for students enrolled in vocational 22320  
education job-training and workforce development programs approved 22321  
by the department of education in accordance with rules adopted 22322  
under section 3313.90 of the Revised Code. 22323

(B) A multiple of 0.28 for students enrolled in vocational 22324  
education classes other than job-training and workforce 22325  
development programs. 22326

Vocational education associated services costs can be 22327  
expressed as a multiple of 0.05 of the base cost per pupil 22328  
calculated under section 3317.012 of the Revised Code. 22329

~~The general assembly has adjusted the multiples specified in 22330  
this section for calculating payments beginning in fiscal year 22331  
2002 in recognition that its policy change regarding the 22332  
application of the cost of doing business factor produces a higher 22333  
base cost amount than would exist if no change were made to its 22334  
application. The adjustment maintains the same weighted costs as 22335  
would exist if no change were made to the application of the 22336  
cost of doing business factor. 22337~~

~~The~~ By the thirtieth day of each December, the department of 22338  
education shall ~~annually~~ report to the governor office of budget 22339  
and management and the general assembly the amount of weighted 22340  
funding for vocational education and associated services that ~~is~~ 22341  
was spent by each city, local, exempted village, and joint 22342  
vocational school district specifically for vocational educational 22343  
and associated services during the previous fiscal year. 22344

Sec. 3317.015. (A) In addition to the information certified 22345  
to the department of education and the office of budget and 22346  
management under division (A) of section 3317.021 of the Revised 22347  
Code, the tax commissioner shall, at the same time, certify the 22348  
following information to the department and the office of budget 22349  
and management for each city, exempted village, and local school 22350  
district to be used for the same purposes as described under that 22351  
division: 22352

(1) The taxable value of the school district's carryover 22353  
property, as defined in section 319.301 of the Revised Code, for 22354  
the preceding tax year; 22355

(2) The increase in such carryover value, if any, between the 22356  
second preceding tax year and the preceding tax year as used in 22357  
calculating the percentage reduction under section 319.301 of the 22358  
Revised Code. 22359

(B) For each fiscal year the department of education shall 22360  
calculate each school district's recognized valuation in the 22361  
following manner: 22362

(1) For a school district located in a county in which a 22363  
reappraisal or triennial update occurred in the preceding tax 22364  
year, the recognized valuation equals the district's total taxable 22365  
value for the preceding tax year minus two-thirds times the 22366  
increase in the carryover value from the second preceding tax year 22367  
to the preceding tax year. 22368

(2) For a school district located in a county in which a 22369  
reappraisal or triennial update occurred in the second preceding 22370  
tax year, the recognized valuation equals the district's total 22371  
taxable value for the preceding tax year minus one-third times the 22372  
increase in the carryover value from the third preceding tax year 22373  
to the second preceding tax year. 22374

(3) For a school district located in a county in which a 22375  
reappraisal or triennial update occurred in the third preceding 22376  
tax year, the recognized valuation equals the district's total 22377  
taxable value for the preceding tax year. 22378

**Sec. 3317.016.** In addition to its form SF-3, or any successor 22379  
to that form, the department of education shall publish on its web 22380  
site a spreadsheet for each school district that specifies the 22381  
constituent components of the district's "building blocks" funds, 22382  
as follows: 22383

(A) For compensation of base classroom teachers, as described 22384  
in division (B)(1) of section 3317.012 of the Revised Code, each 22385  
spreadsheet shall specify the district's aggregate and per pupil 22386  
amounts of state funds and of combined state and local funds, the 22387  
average compensation decided by the general assembly for base 22388  
classroom teachers, as specified in that division, and the number 22389  
of base classroom teachers attributable to the district based on 22390  
the student-teacher ratio decided by the general assembly, as 22391  
specified in that division. 22392

(B) Each spreadsheet shall specify the district's aggregate 22393  
and per pupil amounts of state funds and of combined state and 22394  
local funds for each of the following: 22395

(1) Other personnel support, as described in division (B)(2) 22396  
of section 3317.012 of the Revised Code; 22397

(2) Nonpersonnel support, as described in division (B)(3) of 22398  
that section; 22399

(3) Academic intervention services, as described in division 22400  
(C)(1) of that section; 22401

(4) Professional development, as described in division (C)(2) 22402  
of that section; 22403

(5) Data-based decision making, as described in division 22404

(C)(3) of that section;	22405
(6) Professional development for data-based decision making, as described in division (C)(4) of that section.	22406 22407
(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:	22408 22409 22410 22411
<del>(1) Poverty based assistance guarantee payment under division (B) of that section;</del>	22412 22413
<del>(2) Academic intervention funding under division (C) of that section;</del>	22414 22415
<del>(3)(2) All-day kindergarten under division (D) of that section;</del>	22416 22417
<del>(4) Class size reduction (3) Increased classroom learning opportunities</del> under division (E) of that section;	22418 22419
<del>(5)(4) Services to limited English proficient students under division (F) of that section;</del>	22420 22421
<del>(6)(5) Professional development, under division (G) of that section;</del>	22422 22423
<del>(7)(6) Dropout prevention under division (H) of that section;</del>	22424
<del>(8)(7) Community outreach under division (I) of that section;</del>	22425
<del>(8) Assistance in closing the achievement gap under division (K) of that section.</del>	22426 22427
<b>Sec. 3317.017.</b> (A) Not later than July 1, 2006, the superintendent of public instruction shall adopt a rule under which the superintendent may issue an order with respect to the spending, by a school district declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code, of the following state building block funds	22428 22429 22430 22431 22432 22433

intended to pay instructional-related costs:	22434
(1) State funds for compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code;	22435 22436 22437
(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code;	22438 22439 22440
(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code;	22441 22442 22443
(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code;	22444 22445
<del>(5) The poverty based assistance guarantee payment under division (B) of section 3317.029 of the Revised Code;</del>	22446 22447
<del>(6)</del> State funds for all-day kindergarten under division (D) of section 3317.029 of the Revised Code;	22448 22449
<del>(7)</del> <u>(6)</u> State funds for <u>class-size reduction increased classroom learning opportunities</u> under division (E) of section 3317.029 of the Revised Code;	22450 22451 22452
<del>(8)</del> <u>(7)</u> State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;	22453 22454 22455
<del>(9)</del> <u>(8)</u> State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;	22456 22457
<del>(10)</del> <u>(9)</u> State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	22458 22459
<u>(10) State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.</u>	22460 22461
(B) The rule shall authorize the superintendent of public	22462

instruction to issue an order that does one or a combination of 22463  
the following: 22464

(1) Requires the school district to periodically report to 22465  
the superintendent of public instruction on its spending of the 22466  
state funds paid for each building blocks component described in 22467  
divisions (A)(1) to (10) of this section; 22468

(2) Requires the district to establish a separate account for 22469  
each of the building blocks components described in divisions 22470  
(A)(1) to (10) of this section to which the district shall credit 22471  
the state funds paid for each; 22472

(3) Directs the district's spending of any or all of the 22473  
state funds paid for the components described in divisions (A)(1) 22474  
to (10) of this section in accordance with the descriptions and 22475  
requirements of sections 3317.012 and 3317.029 of the Revised 22476  
Code. 22477

(C) The rule shall specify situations in which the 22478  
superintendent may issue an order and the types of orders the 22479  
superintendent will issue for each of those situations. The rule, 22480  
however, shall authorize the superintendent to issue orders in 22481  
situations that are not enumerated or described in the rule. 22482

(D) The board of education of each school district to which 22483  
the superintendent of public instruction issues an order pursuant 22484  
to the rule adopted under this section shall comply with that 22485  
order. 22486

**Sec. 3317.02.** As used in this chapter: 22487

(A) Unless otherwise specified, "school district" means city, 22488  
local, and exempted village school districts. 22489

(B) "Formula amount" means the base cost for the fiscal year 22490  
specified in division (B)(4) of section 3317.012 of the Revised 22491  
Code. 22492

(C) "FTE basis" means a count of students based on full-time 22493  
equivalency, in accordance with rules adopted by the department of 22494  
education pursuant to section 3317.03 of the Revised Code. In 22495  
adopting its rules under this division, the department shall 22496  
provide for counting any student in category one, two, three, 22497  
four, five, or six special education ADM or in category one or two 22498  
vocational education ADM in the same proportion the student is 22499  
counted in formula ADM. 22500

(D) "Formula ADM" means, for a city, local, or exempted 22501  
village school district, the final number verified by the 22502  
superintendent of public instruction, based on the number reported 22503  
pursuant to division (A) of section 3317.03 of the Revised Code, 22504  
and as adjusted, if so ordered, under division (K) of that 22505  
section. "Formula ADM" means, for a joint vocational school 22506  
district, the final number verified by the superintendent of 22507  
public instruction, based on the number reported pursuant to 22508  
division (D) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22509  
~~fiscal year 2007, for payments in which formula ADM is a factor,~~ 22510  
~~the formula ADM for each school district for the fiscal year is~~ 22511  
~~the sum of one half of the number reported for October of that~~ 22512  
~~fiscal year plus one half of the average of the numbers reported~~ 22513  
~~for October and February of that fiscal year, as adjusted, if so~~ 22514  
~~ordered, under division (K) of that section.~~ 22515

(E) "Three-year average formula ADM" means the average of 22516  
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 22517

(F)(1) "Category one special education ADM" means the average 22518  
daily membership of ~~handicapped~~ children with disabilities 22519  
receiving special education services for the ~~handicap~~ disability 22520  
specified in division (A) of section 3317.013 of the Revised Code 22521  
and reported under division (B)(5) or (D)(2)(b) of section 3317.03 22522  
of the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 22523  
~~category one special education ADM for a fiscal year is the sum of~~ 22524

~~one half of the number reported for October of that fiscal year 22525  
plus one half of the average of the numbers reported for October 22526  
and February of that fiscal year. 22527~~

(2) "Category two special education ADM" means the average 22528  
daily membership of ~~handicapped~~ children with disabilities 22529  
receiving special education services for those ~~handicaps~~ 22530  
disabilities specified in division (B) of section 3317.013 of the 22531  
Revised Code and reported under division (B)(6) or (D)(2)(c) of 22532  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 22533  
2007, the district's category two special education ADM for a 22534  
fiscal year is the sum of one half of the number reported for 22535  
October of that fiscal year plus one half of the average of the 22536  
numbers reported for October and February of that fiscal year. 22537~~

(3) "Category three special education ADM" means the average 22538  
daily membership of students receiving special education services 22539  
for those ~~handicaps~~ disabilities specified in division (C) of 22540  
section 3317.013 of the Revised Code, and reported under division 22541  
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 22542  
~~Beginning in fiscal year 2007, the district's category three 22543  
special education ADM for a fiscal year is the sum of one half of 22544  
the number reported for October of that fiscal year plus one half 22545  
of the average of the numbers reported for October and February of 22546  
that fiscal year. 22547~~

(4) "Category four special education ADM" means the average 22548  
daily membership of students receiving special education services 22549  
for those ~~handicaps~~ disabilities specified in division (D) of 22550  
section 3317.013 of the Revised Code and reported under division 22551  
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 22552  
~~Beginning in fiscal year 2007, the district's category four 22553  
special education ADM for a fiscal year is the sum of one half of 22554  
the number reported for October of that fiscal year plus one half 22555  
of the average of the numbers reported for October and February of 22556~~



~~that fiscal year.~~ 22557

(5) "Category five special education ADM" means the average 22558  
daily membership of students receiving special education services 22559  
for the handicap disabilities specified in division (E) of section 22560  
3317.013 of the Revised Code and reported under division (B)(9) or 22561  
(D)(2)(f) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22562  
~~fiscal year 2007, the district's category five special education~~ 22563  
~~ADM for a fiscal year is the sum of one half of the number~~ 22564  
~~reported for October of that fiscal year plus one half of the~~ 22565  
~~average of the numbers reported for October and February of that~~ 22566  
~~fiscal year.~~ 22567

(6) "Category six special education ADM" means the average 22568  
daily membership of students receiving special education services 22569  
for the handicap disabilities specified in division (F) of section 22570  
3317.013 of the Revised Code and reported under division (B)(10) 22571  
or (D)(2)(g) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22572  
~~fiscal year 2007, the district's category six special education~~ 22573  
~~ADM for a fiscal year is the sum of one half of the number~~ 22574  
~~reported for October of that fiscal year plus one half of the~~ 22575  
~~average of the numbers reported for October and February of that~~ 22576  
~~fiscal year.~~ 22577

(7) "Category one vocational education ADM" means the average 22578  
daily membership of students receiving vocational education 22579  
services described in division (A) of section 3317.014 of the 22580  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 22581  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 22582  
~~2007, the district's category one vocational education ADM for a~~ 22583  
~~fiscal year is the sum of one half of the number reported for~~ 22584  
~~October of that fiscal year plus one half of the average of the~~ 22585  
~~numbers reported for October and February of that fiscal year.~~ 22586

(8) "Category two vocational education ADM" means the average 22587  
daily membership of students receiving vocational education 22588

services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category two vocational education ADM for a 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.~~

(G) "~~Handicapped preschool~~ Preschool child with a disability" means a ~~handicapped~~ child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.

(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(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~~ 22620  
~~indicated in division (N)(1) or (2) of this section for the county~~ 22621  
~~in which a city, local, exempted village, or joint vocational~~ 22622  
~~school district is located. If a city, local, or exempted village~~ 22623  
~~school district is located in more than one county, the factor is~~ 22624  
~~the amount indicated for the county to which the district is~~ 22625  
~~assigned by the state department of education. If a joint~~ 22626  
~~vocational school district is located in more than one county, the~~ 22627  
~~factor is the amount indicated for the county in which the joint~~ 22628  
~~vocational school with the greatest formula ADM operated by the~~ 22629  
~~district is located.~~ 22630

~~(1) In fiscal year 2006, the cost of doing business factor~~ 22631  
~~for each county is:~~ 22632

<del>COST OF DOING BUSINESS</del>		22633
<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	22634
<del>Adams</del>	<del>1.00233</del>	22635
<del>Allen</del>	<del>1.01373</del>	22636
<del>Ashland</del>	<del>1.01980</del>	22637
<del>Ashtabula</del>	<del>1.02647</del>	22638
<del>Athens</del>	<del>1.00093</del>	22639
<del>Auglaize</del>	<del>1.01647</del>	22640
<del>Belmont</del>	<del>1.00427</del>	22641
<del>Brown</del>	<del>1.01180</del>	22642
<del>Butler</del>	<del>1.04307</del>	22643
<del>Carroll</del>	<del>1.00913</del>	22644
<del>Champaign</del>	<del>1.02973</del>	22645
<del>Clark</del>	<del>1.02980</del>	22646
<del>Clermont</del>	<del>1.03607</del>	22647
<del>Clinton</del>	<del>1.02193</del>	22648
<del>Columbiana</del>	<del>1.01427</del>	22649
<del>Coshocton</del>	<del>1.01153</del>	22650
<del>Crawford</del>	<del>1.01093</del>	22651

Cuyahoga	1.04173	22652
Darke	1.02253	22653
Defiance	1.00973	22654
Delaware	1.03520	22655
Erie	1.02587	22656
Fairfield	1.02440	22657
Fayette	1.02127	22658
Franklin	1.04053	22659
Fulton	1.0220	22660
Gallia	1.00000	22661
Geauga	1.03340	22662
Greene	1.02960	22663
Guernsey	1.00440	22664
Hamilton	1.05000	22665
Hancock	1.01433	22666
Hardin	1.02373	22667
Harrison	1.00493	22668
Henry	1.02120	22669
Highland	1.00987	22670
Hocking	1.01253	22671
Holmes	1.01187	22672
Huron	1.01953	22673
Jackson	1.00920	22674
Jefferson	1.00487	22675
Knox	1.01860	22676
Lake	1.03493	22677
Lawrence	1.00540	22678
Licking	1.02540	22679
Logan	1.02567	22680
Lorain	1.03433	22681
Lucas	1.02600	22682
Madison	1.03253	22683
Mahoning	1.02307	22684

Marion	1.02040	22685
Medina	1.03573	22686
Meigs	1.00173	22687
Mercer	1.01353	22688
Miami	1.02740	22689
Monroe	1.00333	22690
Montgomery	1.03020	22691
Morgan	1.00593	22692
Morrow	1.02007	22693
Muskingum	1.00847	22694
Noble	1.00487	22695
Ottawa	1.03240	22696
Paulding	1.00767	22697
Perry	1.01067	22698
Pickaway	1.02607	22699
Pike	1.00687	22700
Portage	1.03147	22701
Preble	1.02947	22702
Putnam	1.01440	22703
Richland	1.01327	22704
Ross	1.01007	22705
Sandusky	1.02140	22706
Scioto	1.00080	22707
Seneca	1.01487	22708
Shelby	1.01853	22709
Stark	1.01700	22710
Summit	1.03613	22711
Trumbull	1.02340	22712
Tuscarawas	1.00593	22713
Union	1.03333	22714
Van Wert	1.00887	22715
Vinton	1.00633	22716
Warren	1.04387	22717

Washington	1.00400	22718
Wayne	1.02320	22719
Williams	1.01520	22720
Wood	1.02400	22721
Wyandot	1.01140	22722

~~(2) In fiscal year 2007, the cost of doing business factor for each county is:~~ 22723  
22724

~~COST OF DOING BUSINESS~~ 22725

<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	
Adams	1.00117	22727
Allen	1.00687	22728
Ashland	1.00990	22729
Ashtabula	1.01323	22730
Athens	1.00047	22731
Auglaize	1.00823	22732
Belmont	1.00213	22733
Brown	1.00590	22734
Butler	1.02153	22735
Carroll	1.00457	22736
Champaign	1.01487	22737
Clark	1.01490	22738
Clermont	1.01803	22739
Clinton	1.01097	22740
Columbiana	1.00713	22741
Coshocton	1.00577	22742
Crawford	1.00547	22743
Cuyahoga	1.02087	22744
Darke	1.01127	22745
Defiance	1.00487	22746
Delaware	1.01760	22747
Erie	1.01293	22748
Fairfield	1.01220	22749
Fayette	1.01063	22750

Franklin	1.02027	22751
Fulton	1.01100	22752
Gallia	1.00000	22753
Geauga	1.01670	22754
Greene	1.01480	22755
Guernsey	1.00220	22756
Hamilton	1.02500	22757
Hancock	1.00717	22758
Hardin	1.01187	22759
Harrison	1.00247	22760
Henry	1.01060	22761
Highland	1.00493	22762
Hocking	1.00627	22763
Holmes	1.00593	22764
Huron	1.00977	22765
Jackson	1.00460	22766
Jefferson	1.00243	22767
Knox	1.00930	22768
Lake	1.01747	22769
Lawrence	1.00270	22770
Licking	1.01270	22771
Logan	1.01283	22772
Lorain	1.01717	22773
Lucas	1.01300	22774
Madison	1.01627	22775
Mahoning	1.01153	22776
Marion	1.01020	22777
Medina	1.01787	22778
Meigs	1.00087	22779
Mercer	1.00677	22780
Miami	1.01370	22781
Monroe	1.00167	22782
Montgomery	1.01510	22783

Morgan	1.00297	22784
Morrow	1.01003	22785
Muskingum	1.00423	22786
Noble	1.00243	22787
Ottawa	1.01620	22788
Paulding	1.00383	22789
Perry	1.00533	22790
Pickaway	1.01303	22791
Pike	1.00343	22792
Portage	1.01573	22793
Preble	1.01473	22794
Putnam	1.00720	22795
Richland	1.00663	22796
Ross	1.00503	22797
Sandusky	1.01070	22798
Scioto	1.00040	22799
Seneca	1.00743	22800
Shelby	1.00927	22801
Stark	1.00850	22802
Summit	1.01807	22803
Trumbull	1.01170	22804
Tuscarawas	1.00297	22805
Union	1.01667	22806
Van Wert	1.00443	22807
Vinton	1.00317	22808
Warren	1.02193	22809
Washington	1.00200	22810
Wayne	1.01160	22811
Williams	1.00760	22812
Wood	1.01200	22813
Wyandot	1.00570	22814

(0) "Tax exempt value" of a school district means the amount 22815  
certified for a school district under division (A)(4) of section 22816



3317.021 of the Revised Code. 22817

~~(P)~~(O) "Potential value" of a school district means the 22818  
recognized valuation of a school district plus the tax exempt 22819  
value of the district. 22820

~~(Q)~~(P) "District median income" means the median Ohio 22821  
adjusted gross income certified for a school district. On or 22822  
before the first day of July of each year, the tax commissioner 22823  
shall certify to the department of education and the office of 22824  
budget and management for each city, exempted village, and local 22825  
school district the median Ohio adjusted gross income of the 22826  
residents of the school district determined on the basis of tax 22827  
returns filed for the second preceding tax year by the residents 22828  
of the district. 22829

~~(R)~~(O) "Statewide median income" means the median district 22830  
median income of all city, exempted village, and local school 22831  
districts in the state. 22832

~~(S)~~(R) "Income factor" for a city, exempted village, or local 22833  
school district means the quotient obtained by dividing that 22834  
district's median income by the statewide median income. 22835

~~(T)~~(S) "Medically fragile child" means a child to whom all of 22836  
the following apply: 22837

(1) The child requires the services of a doctor of medicine 22838  
or osteopathic medicine at least once a week due to the 22839  
instability of the child's medical condition. 22840

(2) The child requires the services of a registered nurse on 22841  
a daily basis. 22842

(3) The child is at risk of institutionalization in a 22843  
hospital, skilled nursing facility, or intermediate care facility 22844  
for the mentally retarded. 22845

~~(U)~~(T) A child may be identified as having an "other health 22846

~~handicapped-major~~ impairment-major" if the child's condition meets 22847  
the definition of "other health impaired" established in rules 22848  
adopted by the state board of education prior to July 1, 2001, and 22849  
if either of the following apply: 22850

(1) The child is identified as having a medical condition 22851  
that is among those listed by the superintendent of public 22852  
instruction as conditions where a substantial majority of cases 22853  
fall within the definition of "medically fragile child." The 22854  
superintendent of public instruction shall issue an initial list 22855  
no later than September 1, 2001. 22856

(2) The child is determined by the superintendent of public 22857  
instruction to be a medically fragile child. A school district 22858  
superintendent may petition the superintendent of public 22859  
instruction for a determination that a child is a medically 22860  
fragile child. 22861

~~(V)(U)~~ A child may be identified as having an "other health 22862  
~~handicapped-minor~~ impairment-minor" if the child's condition meets 22863  
the definition of "other health impaired" established in rules 22864  
adopted by the state board of education prior to July 1, 2001, but 22865  
the child's condition does not meet either of the conditions 22866  
specified in division ~~(U)~~(T)(1) or (2) of this section. 22867

~~(W)~~ "~~SF-3 payment~~" means ~~the sum of the payments to a school~~ 22868  
~~district in a fiscal year under divisions (A), (C)(1), (C)(4),~~ 22869  
~~(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N)~~ 22870  
~~of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217,~~ 22871  
~~3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after~~ 22872  
~~making the adjustments required by sections 3313.981 and 3313.979~~ 22873  
~~of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M),~~ 22874  
~~(N), and (O) of section 3317.023, and division (C) of section~~ 22875  
3317.20 (V) "State education aid" has the same meaning as in 22876  
section 5751.20 of the Revised Code. 22877

~~(X)~~(W) "Property exemption value" means zero in fiscal year 22878  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 22879  
amount certified for a school district under divisions (A)(6) and 22880  
(7) of section 3317.021 of the Revised Code. 22881

(X) "Internet- or computer-based community school" has the 22882  
same meaning as in section 3314.02 of the Revised Code. 22883

**Sec. 3317.021.** (A) On or before the first day of June of each 22884  
year, the tax commissioner shall certify to the department of 22885  
education and the office of budget and management the information 22886  
described in divisions (A)(1) to (8) of this section for each 22887  
city, exempted village, and local school district, and the 22888  
information required by divisions (A)(1) and (2) of this section 22889  
for each joint vocational school district, and it shall be used, 22890  
along with the information certified under division (B) of this 22891  
section, in making the computations for the district under 22892  
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 22893  
the Revised Code. 22894

(1) The taxable value of real and public utility real 22895  
property in the school district subject to taxation in the 22896  
preceding tax year, by class and by county of location. 22897

(2) The taxable value of tangible personal property, 22898  
including public utility personal property, subject to taxation by 22899  
the district for the preceding tax year. 22900

(3)(a) The total property tax rate and total taxes charged 22901  
and payable for the current expenses for the preceding tax year 22902  
and the total property tax rate and the total taxes charged and 22903  
payable to a joint vocational district for the preceding tax year 22904  
that are limited to or to the extent apportioned to current 22905  
expenses. 22906

(b) The portion of the amount of taxes charged and payable 22907

reported for each city, local, and exempted village school 22908  
district under division (A)(3)(a) of this section attributable to 22909  
a joint vocational school district. 22910

(4) The value of all real and public utility real property in 22911  
the school district exempted from taxation minus both of the 22912  
following: 22913

(a) The value of real and public utility real property in the 22914  
district owned by the United States government and used 22915  
exclusively for a public purpose; 22916

(b) The value of real and public utility real property in the 22917  
district exempted from taxation under Chapter 725. or 1728. or 22918  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 22919  
5709.73, or 5709.78 of the Revised Code. 22920

(5) The total federal adjusted gross income of the residents 22921  
of the school district, based on tax returns filed by the 22922  
residents of the district, for the most recent year for which this 22923  
information is available. 22924

(6) The sum of the school district compensation value as 22925  
indicated on the list of exempted property for the preceding tax 22926  
year under section 5713.08 of the Revised Code as if such property 22927  
had been assessed for taxation that year and the other 22928  
compensation value for the school district, minus the amounts 22929  
described in divisions (A)(6)(c) to (i) of this section. The 22930  
portion of school district compensation value or other 22931  
compensation value attributable to an incentive district exemption 22932  
may be subtracted only once even if that incentive district 22933  
satisfies more than one of the criteria in divisions (A)(6)(c) to 22934  
(i) of this section. 22935

(a) "School district compensation value" means the aggregate 22936  
value of real property in the school district exempted from 22937  
taxation pursuant to an ordinance or resolution adopted under 22938

division (C) of section 5709.40, division (C) of section 5709.73, 22939  
or division (B) of section 5709.78 of the Revised Code to the 22940  
extent that the exempted value results in the charging of payments 22941  
in lieu of taxes required to be paid to the school district under 22942  
division (D)(1) or (2) of section 5709.40, division (D) of section 22943  
5709.73, or division (C) of section 5709.78 of the Revised Code. 22944

(b) "Other compensation value" means the quotient that 22945  
results from dividing (i) the dollar value of compensation 22946  
received by the school district during the preceding tax year 22947  
pursuant to division (B), (C), or (D) of section 5709.82 of the 22948  
Revised Code and the amounts received pursuant to an agreement as 22949  
specified in division (D)(2) of section 5709.40, division (D) of 22950  
section 5709.73, or division (C) of section 5709.78 of the Revised 22951  
Code to the extent those amounts were not previously reported or 22952  
included in division (A)(6)(a) of this section, and so that any 22953  
such amount is reported only once under division (A)(6)(b) of this 22954  
section, in relation to exemptions from taxation granted pursuant 22955  
to an ordinance or resolution adopted under division (C) of 22956  
section 5709.40, division (C) of section 5709.73, or division (B) 22957  
of section 5709.78 of the Revised Code, by (ii) the real property 22958  
tax rate in effect for the preceding tax year for 22959  
nonresidential/agricultural real property after making the 22960  
reductions required by section 319.301 of the Revised Code. 22961

(c) The portion of school district compensation value or 22962  
other compensation value that was exempted from taxation pursuant 22963  
to such an ordinance or resolution for the preceding tax year, if 22964  
the ordinance or resolution is adopted prior to January 1, 2006, 22965  
and the legislative authority or board of township trustees or 22966  
county commissioners, prior to January 1, 2006, executes a 22967  
contract or agreement with a developer, whether for-profit or 22968  
not-for-profit, with respect to the development of a project 22969  
undertaken or to be undertaken and identified in the ordinance or 22970

resolution, and upon which parcels such project is being, or will  
be, undertaken; 22971  
22972

(d) The portion of school district compensation value that 22973  
was exempted from taxation for the preceding tax year and for 22974  
which payments in lieu of taxes for the preceding tax year were 22975  
provided to the school district under division (D)(1) of section 22976  
5709.40 of the Revised Code. 22977

(e) The portion of school district compensation value that 22978  
was exempted from taxation for the preceding tax year pursuant to 22979  
such an ordinance or resolution, if and to the extent that, on or 22980  
before April 1, 2006, the fiscal officer of the municipal 22981  
corporation that adopted the ordinance, or of the township or 22982  
county that adopted the resolution, certifies and provides 22983  
appropriate supporting documentation to the tax commissioner and 22984  
the director of development that, based on hold-harmless 22985  
provisions in any agreement between the school district and the 22986  
legislative authority of the municipal corporation, board of 22987  
township trustees, or board of county commissioners that was 22988  
entered into on or before June 1, 2005, the ability or obligation 22989  
of the municipal corporation, township, or county to repay bonds, 22990  
notes, or other financial obligations issued or entered into prior 22991  
to January 1, 2006, will be impaired, including obligations to or 22992  
of any other body corporate and politic with whom the legislative 22993  
authority of the municipal corporation or board of township 22994  
trustees or county commissioners has entered into an agreement 22995  
pertaining to the use of service payments derived from the 22996  
improvements exempted; 22997

(f) The portion of school district compensation value that 22998  
was exempted from taxation for the preceding tax year pursuant to 22999  
such an ordinance or resolution, if the ordinance or resolution is 23000  
adopted prior to January 1, 2006, in a municipal corporation with 23001  
a population that exceeds one hundred thousand, as shown by the 23002

most recent federal decennial census, that includes a major 23003  
employment center and that is adjacent to historically distressed 23004  
neighborhoods, if the legislative authority of the municipal 23005  
corporation that exempted the property prepares an economic 23006  
analysis that demonstrates that all taxes generated within the 23007  
incentive district accruing to the state by reason of improvements 23008  
constructed within the district during its existence exceed the 23009  
amount the state pays the school district under section 3317.022 23010  
of the Revised Code attributable to such property exemption from 23011  
the school district's recognized valuation. The analysis shall be 23012  
submitted to and approved by the department of development prior 23013  
to January 1, 2006, and the department shall not unreasonably 23014  
withhold approval. 23015

(g) The portion of school district compensation value that 23016  
was exempted from taxation for the preceding tax year under such 23017  
an ordinance or resolution, if the ordinance or resolution is 23018  
adopted prior to January 1, 2006, and if service payments have 23019  
been pledged to be used for mixed-use riverfront entertainment 23020  
development in any county with a population that exceeds six 23021  
hundred thousand, as shown by the most recent federal decennial 23022  
census; 23023

(h) The portion of school district compensation value that 23024  
was exempted from taxation for the preceding tax year under such 23025  
an ordinance or resolution, if, prior to January 1, 2006, the 23026  
legislative authority of a municipal corporation, board of 23027  
township trustees, or board of county commissioners has pledged 23028  
service payments for a designated transportation capacity project 23029  
approved by the transportation review advisory council under 23030  
Chapter 5512. of the Revised Code; 23031

(i) The portion of school district compensation value that 23032  
was exempted from taxation for the preceding tax year under such 23033  
an ordinance or resolution if the legislative authority of a 23034

municipal corporation, board of township trustees, or board of 23035  
county commissioners have, by January 1, 2006, pledged proceeds 23036  
for designated transportation improvement projects that involve 23037  
federal funds for which the proceeds are used to meet a local 23038  
share match requirement for such funding. 23039

As used in division (A)(6) of this section, "project" has the 23040  
same meaning as in section 5709.40 of the Revised Code. 23041

(7) The aggregate value of real property in the school 23042  
district for which an exemption from taxation is granted by an 23043  
ordinance or resolution adopted on or after January 1, 2006, under 23044  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 23045  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 23046  
Code, as indicated on the list of exempted property for the 23047  
preceding tax year under section 5713.08 of the Revised Code and 23048  
as if such property had been assessed for taxation that year, 23049  
minus the product determined by multiplying (a) the aggregate 23050  
value of the real property in the school district exempted from 23051  
taxation for the preceding tax year under any of the chapters or 23052  
sections specified in this division, by (b) a fraction, the 23053  
numerator of which is the difference between (i) the amount of 23054  
anticipated revenue such school district would have received for 23055  
the preceding tax year if the real property exempted from taxation 23056  
had not been exempted from taxation and (ii) the aggregate amount 23057  
of payments in lieu of taxes on the exempt real property for the 23058  
preceding tax year and other compensation received for the 23059  
preceding tax year by the school district pursuant to any 23060  
agreements entered into on or after January 1, 2006, under section 23061  
5709.82 of the Revised Code between the school district and the 23062  
legislative authority of a political subdivision that acted under 23063  
the authority of a chapter or statute specified in this division, 23064  
that were entered into in relation to such exemption, and the 23065  
denominator of which is the amount of anticipated revenue such 23066



school district would have received in the preceding fiscal year 23067  
if the real property exempted from taxation had not been exempted. 23068

(8) For each school district receiving payments under 23069  
division (B) or (C) of section 3317.0216 of the Revised Code 23070  
during the current fiscal year, as included on the most recent 23071  
list of such districts sent to the tax commissioner under division 23072  
(F) of that section, the following: 23073

(a) The portion of the total amount of taxes charged and 23074  
payable for current expenses certified under division (A)(3)(a) of 23075  
this section that is attributable to each new levy approved and 23076  
charged in the preceding tax year and the respective tax rate of 23077  
each of those new levies; 23078

(b) The portion of the total taxes collected for current 23079  
expenses under a school district income tax adopted pursuant to 23080  
section 5748.03 or 5748.08 of the Revised Code, as certified under 23081  
division (A)(2) of section 3317.08 of the Revised Code, that is 23082  
attributable to each new school district income tax first 23083  
effective in the current taxable year or in the preceding taxable 23084  
year. 23085

(B) On or before the first day of May each year, the tax 23086  
commissioner shall certify to the department of education and the 23087  
office of budget and management the total taxable real property 23088  
value of railroads and, separately, the total taxable tangible 23089  
personal property value of all public utilities for the preceding 23090  
tax year, by school district and by county of location. 23091

(C) If a public utility has properly and timely filed a 23092  
petition for reassessment under section 5727.47 of the Revised 23093  
Code with respect to an assessment issued under section 5727.23 of 23094  
the Revised Code affecting taxable property apportioned by the tax 23095  
commissioner to a school district, the taxable value of public 23096  
utility tangible personal property included in the certification 23097

under divisions (A)(2) and (B) of this section for the school 23098  
district shall include only the amount of taxable value on the 23099  
basis of which the public utility paid tax for the preceding year 23100  
as provided in division (B)(1) or (2) of section 5727.47 of the 23101  
Revised Code. 23102

(D) If on the basis of the information certified under 23103  
division (A) of this section, the department determines that any 23104  
district fails in any year to meet the qualification requirement 23105  
specified in division (A) of section 3317.01 of the Revised Code, 23106  
the department shall immediately request the tax commissioner to 23107  
determine the extent to which any school district income tax 23108  
levied by the district under Chapter 5748. of the Revised Code 23109  
shall be included in meeting that requirement. Within five days of 23110  
receiving such a request from the department, the tax commissioner 23111  
shall make the determination required by this division and report 23112  
the quotient obtained under division (D)(3) of this section to the 23113  
department and the office of budget and management. This quotient 23114  
represents the number of mills that the department shall include 23115  
in determining whether the district meets the qualification 23116  
requirement of division (A) of section 3317.01 of the Revised 23117  
Code. 23118

The tax commissioner shall make the determination required by 23119  
this division as follows: 23120

(1) Multiply one mill times the total taxable value of the 23121  
district as determined in divisions (A)(1) and (2) of this 23122  
section; 23123

(2) Estimate the total amount of tax liability for the 23124  
current tax year under taxes levied by Chapter 5748. of the 23125  
Revised Code that are apportioned to current operating expenses of 23126  
the district; 23127

(3) Divide the amount estimated under division (D)(2) of this 23128

section by the product obtained under division (D)(1) of this 23129  
section. 23130

(E)(1) On or before June 1, 2006, and the first day of April 23131  
of each year thereafter, the director of development shall report 23132  
to the department of education ~~and~~, the tax commissioner, and the 23133  
director of budget and management the total amounts of payments 23134  
received by each city, local, exempted village, or joint 23135  
vocational school district for the preceding tax year pursuant to 23136  
division (D) of section 5709.40, division (D) of section 5709.73, 23137  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 23138  
or (D) of section 5709.82 of the Revised Code in relation to 23139  
exemptions from taxation granted pursuant to an ordinance adopted 23140  
by the legislative authority of a municipal corporation under 23141  
division (C) of section 5709.40 of the Revised Code, or a 23142  
resolution adopted by a board of township trustees or board of 23143  
county commissioners under division (C) of section 5709.73 or 23144  
division (B) of section 5709.78 of the Revised Code, respectively. 23145  
On or before April 1, 2006, and the first day of March of each 23146  
year thereafter, the treasurer of each city, local, exempted 23147  
village, or joint vocational school district that has entered into 23148  
such an agreement shall report to the director of development the 23149  
total amounts of such payments the district received for the 23150  
preceding tax year as provided in this section. The state board of 23151  
education, in accordance with sections 3319.31 and 3319.311 of the 23152  
Revised Code, may suspend or revoke the license of a treasurer 23153  
found to have willfully reported erroneous, inaccurate, or 23154  
incomplete data under this division. 23155

(2) On or before April 1, 2007, and the first day of April of 23156  
each year thereafter, the director of development shall report to 23157  
the department of education ~~and to~~, the tax commissioner, and the 23158  
director of budget and management the total amounts of payments 23159  
received by each city, local, exempted village, or joint 23160

vocational school district for the preceding tax year pursuant to 23161  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 23162  
in relation to exemptions from taxation granted pursuant to 23163  
ordinances or resolutions adopted on or after January 1, 2006, 23164  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 23165  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 23166  
Revised Code. On or before March 1, 2007, and the first day of 23167  
March of each year thereafter, the treasurer of each city, local, 23168  
exempted village, or joint vocational school district that has 23169  
entered into such an agreement shall report to the director of 23170  
development the total amounts of such payments the district 23171  
received for the preceding tax year as provided by this section. 23172  
The state board of education, in accordance with sections 3319.31 23173  
and 3319.311 of the Revised Code, may suspend or revoke the 23174  
license of a treasurer found to have willfully reported erroneous, 23175  
inaccurate, or incomplete data under this division. 23176

**Sec. 3317.022.** (A)(1) The department of education shall 23177  
compute and distribute state base cost funding to each eligible 23178  
school district for the fiscal year, using the information 23179  
obtained under section 3317.021 of the Revised Code in the 23180  
calendar year in which the fiscal year begins. 23181

~~(1) Compute, according to the following for each eligible~~ 23182  
~~district formula:~~ 23183

~~{ [cost of doing business factor X~~ 23184  
~~the formula amount X (formula ADM +~~ 23185  
~~preschool scholarship ADM)] +~~ 23186  
~~the sum of the base funding supplements~~ 23187  
~~prescribed in divisions (C)(1) to (4)~~ 23188  
~~of section 3317.012 of the Revised Code} -~~ 23189  
~~[.023 x (the sum of recognized valuation~~ 23190  
~~and property exemption value)] ±~~ 23191

<u>the amounts calculated for the district under</u>	23192
<u>sections 3317.029 and 3317.0217 of the Revised Code</u>	23193
If the difference obtained is a negative number, the	23194
district's computation shall be zero.	23195
<del>(2) Compute both of the following for each school district:</del>	23196
<del>(a) The difference of (i) the district's fiscal year 2005</del>	23197
<del>base cost payment under the version of division (A)(1) of this</del>	23198
<del>section in effect in fiscal year 2005, minus (ii) the amount</del>	23199
<del>computed for the district for the current fiscal year under</del>	23200
<del>current division (A)(1) of this section;</del>	23201
<del>(b) The following amount:</del>	23202
<del>{(fiscal year 2005 base cost payment/fiscal</del>	23203
<del>year 2005 formula ADM) X</del>	23204
<del>(current year formula ADM + preschool scholarship ADM)}</del>	23205
<del>minus the amount computed for the district</del>	23206
<del>under current division (A)(1) of this section</del>	23207
<del>If one of the amounts computed under division (A)(2)(a) or</del>	23208
<del>(b) of this section is a positive amount, the department shall pay</del>	23209
<del>the district that amount in addition to the amount calculated</del>	23210
<del>under division (A)(1) of this section. If both amounts are</del>	23211
<del>positive amounts, the department shall pay the district the lesser</del>	23212
<del>of the two amounts in addition to the amount calculated under</del>	23213
<del>division (A)(1) of this section.</del>	23214
<del>(3)(a) For each school district for which the tax exempt</del>	23215
<del>value of the district equals or exceeds twenty-five per cent of</del>	23216
<del>the potential value of the district, the department of education</del>	23217
<del>shall calculate the difference between the district's tax exempt</del>	23218
<del>value and twenty-five per cent of the district's potential value.</del>	23219
<del>(b) For each school district to which division (A)(3)(2)(a)</del>	23220
<del>of this section applies, the department shall adjust the</del>	23221
<del>recognized valuation used in the calculation under division (A)(1)</del>	23222

of this section by subtracting from it the amount calculated under 23223  
division (A)~~(3)~~(2)(a) of this section. 23224

(B) As used in this section: 23225

(1) The "total special education weight" for a district means 23226  
the sum of the following amounts: 23227

(a) The district's category one special education ADM 23228  
multiplied by the multiple specified in division (A) of section 23229  
3317.013 of the Revised Code; 23230

(b) The district's category two special education ADM 23231  
multiplied by the multiple specified in division (B) of section 23232  
3317.013 of the Revised Code; 23233

(c) The district's category three special education ADM 23234  
multiplied by the multiple specified in division (C) of section 23235  
3317.013 of the Revised Code; 23236

(d) The district's category four special education ADM 23237  
multiplied by the multiple specified in division (D) of section 23238  
3317.013 of the Revised Code; 23239

(e) The district's category five special education ADM 23240  
multiplied by the multiple specified in division (E) of section 23241  
3317.013 of the Revised Code; 23242

(f) The district's category six special education ADM 23243  
multiplied by the multiple specified in division (F) of section 23244  
3317.013 of the Revised Code. 23245

(2) "State share percentage" means the percentage calculated 23246  
for a district as follows: 23247

(a) Calculate the state base cost funding amount for the 23248  
district for the fiscal year under division (A) of this section. 23249  
If the district would not receive any state base cost funding for 23250  
that year under that division, the district's state share 23251  
percentage is zero. 23252

(b) If the district would receive state base cost funding 23253  
under that division, divide that amount by an amount equal to the 23254  
following: 23255

~~(Cost of doing business factor X~~ 23256  
the formula amount X formula ADM) + 23257  
the sum of the base funding supplements 23258  
prescribed in divisions (C)(1) to (4) 23259  
of section 3317.012 of the Revised Code ± 23260  
the sum of the amounts calculated for the district under 23261  
sections 3317.029 and 3317.0217 of the Revised Code 23262

The resultant number is the district's state share 23263  
percentage. 23264

(3) "Related services" includes: 23265

(a) Child study, special education supervisors and 23266  
coordinators, speech and hearing services, adaptive physical 23267  
development services, occupational or physical therapy, teacher 23268  
assistants for ~~handicapped~~ children with disabilities whose 23269  
~~handicaps~~ disabilities are described in division (B) of section 23270  
3317.013 or division (F)(3) of section 3317.02 of the Revised 23271  
Code, behavioral intervention, interpreter services, work study, 23272  
nursing services, and specialized integrative services as those 23273  
terms are defined by the department; 23274

(b) Speech and language services provided to any student with 23275  
a ~~handicap~~ disability, including any student whose primary or only 23276  
~~handicap~~ disability is a speech and language ~~handicap~~ disability; 23277

(c) Any related service not specifically covered by other 23278  
state funds but specified in federal law, including but not 23279  
limited to, audiology and school psychological services; 23280

(d) Any service included in units funded under former 23281  
division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 23282

(e) Any other related service needed by ~~handicapped~~ children 23283

<u>with disabilities</u> in accordance with their individualized	23284
education <del>plans</del> <u>programs</u> .	23285
(4) The "total vocational education weight" for a district	23286
means the sum of the following amounts:	23287
(a) The district's category one vocational education ADM	23288
multiplied by the multiple specified in division (A) of section	23289
3317.014 of the Revised Code;	23290
(b) The district's category two vocational education ADM	23291
multiplied by the multiple specified in division (B) of section	23292
3317.014 of the Revised Code.	23293
(5) "Preschool scholarship ADM" means the number of	23294
<del>handicapped</del> preschool children <u>with disabilities</u> reported under	23295
division (B)(3)(h) of section 3317.03 of the Revised Code.	23296
(C)(1) The department shall compute and distribute state	23297
special education and related services additional weighted costs	23298
funds to each school district in accordance with the following	23299
formula:	23300
The district's state share percentage X	23301
the formula amount for the year for which	23302
the aid is calculated X the district's	23303
total special education weight	23304
(2) The attributed local share of special education and	23305
related services additional weighted costs equals:	23306
(1 - the district's state share percentage) X the district's	23307
total special education weight X the formula amount	23308
(3)(a) The department shall compute and pay in accordance	23309
with this division additional state aid to school districts for	23310
students in categories two through six special education ADM. If a	23311
district's costs for the fiscal year for a student in its	23312
categories two through six special education ADM exceed the	23313
threshold catastrophic cost for serving the student, the district	23314



may submit to the superintendent of public instruction 23315  
documentation, as prescribed by the superintendent, of all its 23316  
costs for that student. Upon submission of documentation for a 23317  
student of the type and in the manner prescribed, the department 23318  
shall pay to the district an amount equal to the sum of the 23319  
following: 23320

(i) One-half of the district's costs for the student in 23321  
excess of the threshold catastrophic cost; 23322

(ii) The product of one-half of the district's costs for the 23323  
student in excess of the threshold catastrophic cost multiplied by 23324  
the district's state share percentage. 23325

(b) For purposes of division (C)(3)(a) of this section, the 23326  
threshold catastrophic cost for serving a student equals: 23327

(i) For a student in the school district's category two, 23328  
three, four, or five special education ADM, ~~twenty five thousand~~ 23329  
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 23330  
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 23331  
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 23332  
twenty-seven thousand three hundred seventy-five dollars in fiscal 23333  
years 2008 and 2009; 23334

(ii) For a student in the district's category six special 23335  
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 23336  
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 23337  
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 23338  
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 23339  
dollars in fiscal years 2008 and 2009. 23340

(c) The district shall only report under division (C)(3)(a) 23341  
of this section, and the department shall only pay for, the costs 23342  
of educational expenses and the related services provided to the 23343  
student in accordance with the student's individualized education 23344  
program. Any legal fees, court costs, or other costs associated 23345

with any cause of action relating to the student may not be 23346  
included in the amount. 23347

(4)(a) As used in this division, the "personnel allowance" 23348  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23349  
~~2005, 2006, and 2007~~ 2008 and 2009. 23350

(b) For the provision of speech language pathology services 23351  
to students, including students who do not have individualized 23352  
education programs prepared for them under Chapter 3323. of the 23353  
Revised Code, and for no other purpose, the department of 23354  
education shall pay each school district an amount calculated 23355  
under the following formula: 23356

(formula ADM divided by 2000) X 23357  
the personnel allowance X 23358  
the state share percentage 23359

(5) In any fiscal year, a school district shall spend for 23360  
purposes that the department designates as approved for special 23361  
education and related services expenses at least the amount 23362  
calculated as follows: 23363

~~(cost of doing business factor X~~ 23364  
formula amount X the sum of categories 23365  
one through six special education ADM) + 23366  
(total special education weight X formula amount) 23367

The purposes approved by the department for special education 23368  
expenses shall include, but shall not be limited to, 23369  
identification of ~~handicapped~~ children with disabilities, 23370  
compliance with state rules governing the education of ~~handicapped~~ 23371  
children with disabilities and prescribing the continuum of 23372  
program options for ~~handicapped~~ children with disabilities, 23373  
provision of speech language pathology services, and the portion 23374  
of the school district's overall administrative and overhead costs 23375  
that are attributable to the district's special education student 23376  
population. 23377

The scholarships deducted from the school district's account 23378  
under section 3310.41 or 3310.55 of the Revised Code shall be 23379  
considered to be an approved special education and related 23380  
services expense for the purpose of the school district's 23381  
compliance with division (C)(5) of this section. 23382

The department shall require school districts to report data 23383  
annually to allow for monitoring compliance with division (C)(5) 23384  
of this section. The department shall annually report to the 23385  
governor and the general assembly the amount of money spent by 23386  
each school district for special education and related services. 23387

(6) In any fiscal year, a school district shall spend for the 23388  
provision of speech language pathology services not less than the 23389  
sum of the amount calculated under division (C)(1) of this section 23390  
for the students in the district's category one special education 23391  
ADM and the amount calculated under division (C)(4) of this 23392  
section. 23393

The scholarships deducted from the school district's account 23394  
under section 3310.55 of the Revised Code for students counted in 23395  
the district's category one special education ADM shall be 23396  
considered to be an approved speech language pathology services 23397  
expense for the purpose of the school district's compliance with 23398  
division (C)(6) of this section. 23399

(D)(1) As used in this division: 23400

(a) "Daily bus miles per student" equals the number of bus 23401  
miles traveled per day, divided by transportation base. 23402

(b) "Transportation base" equals total student count as 23403  
defined in section 3301.011 of the Revised Code, minus the number 23404  
of students enrolled in preschool handicapped units, plus the 23405  
number of nonpublic school students included in transportation 23406  
ADM. 23407

(c) "Transported student percentage" equals transportation 23408

ADM divided by transportation base. 23409

(d) "Transportation cost per student" equals total operating 23410  
costs for board-owned or contractor-operated school buses divided 23411  
by transportation base. 23412

(2) Analysis of student transportation cost data has resulted 23413  
in a finding that an average efficient transportation use cost per 23414  
student can be calculated by means of a regression formula that 23415  
has as its two independent variables the number of daily bus miles 23416  
per student and the transported student percentage. For fiscal 23417  
year 1998 transportation cost data, the average efficient 23418  
transportation use cost per student is expressed as follows: 23419

51.79027 + (139.62626 X daily bus miles per student) + 23420  
(116.25573 X transported student percentage) 23421

The department of education shall annually determine the 23422  
average efficient transportation use cost per student in 23423  
accordance with the principles stated in division (D)(2) of this 23424  
section, updating the intercept and regression coefficients of the 23425  
regression formula modeled in this division, based on an annual 23426  
statewide analysis of each school district's daily bus miles per 23427  
student, transported student percentage, and transportation cost 23428  
per student data. The department shall conduct the annual update 23429  
using data, including daily bus miles per student, transported 23430  
student percentage, and transportation cost per student data, from 23431  
the prior fiscal year. The department shall notify the office of 23432  
budget and management of such update by the fifteenth day of 23433  
February of each year. 23434

(3) In addition to funds paid under divisions (A), (C), and 23435  
(E) of this section, each district with a transported student 23436  
percentage greater than zero shall receive a payment equal to a 23437  
percentage of the product of the district's transportation base 23438  
from the prior fiscal year times the annually updated average 23439  
efficient transportation use cost per student, times an inflation 23440

factor of two and eight tenths per cent to account for the 23441  
one-year difference between the data used in updating the formula 23442  
and calculating the payment and the year in which the payment is 23443  
made. The percentage shall be the following percentage of that 23444  
product specified for the corresponding fiscal year: 23445

FISCAL YEAR	PERCENTAGE	
2000	52.5%	23446
2001	55%	23447
2002	57.5%	23448
2003 and thereafter	The greater of 60% or the district's state share percentage	23449 23450

The payments made under division (D)(3) of this section each 23451  
year shall be calculated based on all of the same prior year's 23452  
data used to update the formula. 23453

(4) In addition to funds paid under divisions (D)(2) and (3) 23454  
of this section, a school district shall receive a rough road 23455  
subsidy if both of the following apply: 23456

(a) Its county rough road percentage is higher than the 23457  
statewide rough road percentage, as those terms are defined in 23458  
division (D)(5) of this section; 23459

(b) Its district student density is lower than the statewide 23460  
student density, as those terms are defined in that division. 23461

(5) The rough road subsidy paid to each district meeting the 23462  
qualifications of division (D)(4) of this section shall be 23463  
calculated in accordance with the following formula: 23464

(per rough mile subsidy X total rough road miles) 23465  
X density multiplier 23466

where: 23467

(a) "Per rough mile subsidy" equals the amount calculated in 23468  
accordance with the following formula: 23469

0.75 - {0.75 X [(maximum rough road percentage -  
county rough road percentage)/(maximum rough road  
percentage - statewide rough road percentage)]}

(i) "Maximum rough road percentage" means the highest county  
rough road percentage in the state.

(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.

(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.

(b) "Total rough road miles" means a school district's total  
bus miles traveled in one year times its county rough road  
percentage.

(c) "Density multiplier" means a figure calculated in  
accordance with the following formula:

1 - [(minimum student density - district student  
density)/(minimum student density -  
statewide student density)]

(i) "Minimum student density" means the lowest district  
student density in the state.

(ii) "District student density" means a school district's  
transportation base divided by the number of square miles in the  
district.

(iii) "Statewide student density" means the sum of the  
transportation bases for all school districts divided by the sum

of the square miles in all school districts. 23501

(6) In addition to funds paid under divisions (D)(2) to (5) 23502  
of this section, each district shall receive in accordance with 23503  
rules adopted by the state board of education a payment for 23504  
students transported by means other than board-owned or 23505  
contractor-operated buses and whose transportation is not funded 23506  
under division (G) of section 3317.024 of the Revised Code. The 23507  
rules shall include provisions for school district reporting of 23508  
such students. 23509

(E)(1) The department shall compute and distribute state 23510  
vocational education additional weighted costs funds to each 23511  
school district in accordance with the following formula: 23512  
state share percentage X 23513  
the formula amount X 23514  
total vocational education weight 23515

In any fiscal year, a school district receiving funds under 23516  
division (E)(1) of this section shall spend those funds only for 23517  
the purposes that the department designates as approved for 23518  
vocational education expenses. Vocational educational expenses 23519  
approved by the department shall include only expenses connected 23520  
to the delivery of career-technical programming to 23521  
career-technical students. The department shall require the school 23522  
district to report data annually so that the department may 23523  
monitor the district's compliance with the requirements regarding 23524  
the manner in which funding received under division (E)(1) of this 23525  
section may be spent. 23526

(2) The department shall compute for each school district 23527  
state funds for vocational education associated services in 23528  
accordance with the following formula: 23529  
state share percentage X .05 X the formula amount X 23530  
the sum of categories one and two vocational education ADM 23531

In any fiscal year, a school district receiving funds under 23532  
division (E)(2) of this section, or through a transfer of funds 23533  
pursuant to division (L) of section 3317.023 of the Revised Code, 23534  
shall spend those funds only for the purposes that the department 23535  
designates as approved for vocational education associated 23536  
services expenses, which may include such purposes as 23537  
apprenticeship coordinators, coordinators for other vocational 23538  
education services, vocational evaluation, and other purposes 23539  
designated by the department. The department may deny payment 23540  
under division (E)(2) of this section to any district that the 23541  
department determines is not operating those services or is using 23542  
funds paid under division (E)(2) of this section, or through a 23543  
transfer of funds pursuant to division (L) of section 3317.023 of 23544  
the Revised Code, for other purposes. 23545

(F) The actual local share in any fiscal year for the 23546  
combination of special education and related services additional 23547  
weighted costs funding calculated under division (C)(1) of this 23548  
section, transportation funding calculated under divisions (D)(2) 23549  
and (3) of this section, and vocational education and associated 23550  
services additional weighted costs funding calculated under 23551  
divisions (E)(1) and (2) of this section shall not exceed for any 23552  
school district the product of three and three-tenths mills times 23553  
the district's recognized valuation. The department annually shall 23554  
pay each school district as an excess cost supplement any amount 23555  
by which the sum of the district's attributed local shares for 23556  
that funding exceeds that product. For purposes of calculating the 23557  
excess cost supplement: 23558

(1) The attributed local share for special education and 23559  
related services additional weighted costs funding is the amount 23560  
specified in division (C)(2) of this section. 23561

(2) The attributed local share of transportation funding 23562  
equals the difference of the total amount calculated for the 23563



district using the formula developed under division (D)(2) of this 23564  
section minus the actual amount paid to the district after 23565  
applying the percentage specified in division (D)(3) of this 23566  
section. 23567

(3) The attributed local share of vocational education and 23568  
associated services additional weighted costs funding is the 23569  
amount determined as follows: 23570

(1 - state share percentage) X 23571  
[(total vocational education weight X 23572  
the formula amount) + the payment under 23573  
division (E)(2) of this section] 23574

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 23575  
Revised Code, the amounts required to be paid to a district under 23576  
this chapter shall be adjusted by the amount of the computations 23577  
made under divisions (B) to ~~(O)~~(P) of this section. 23578

As used in this section: 23579

(1) "Classroom teacher" means a licensed employee who 23580  
provides direct instruction to pupils, excluding teachers funded 23581  
from money paid to the district from federal sources; educational 23582  
service personnel; and vocational and special education teachers. 23583

(2) "Educational service personnel" shall not include such 23584  
specialists funded from money paid to the district from federal 23585  
sources or assigned full-time to vocational or special education 23586  
students and classes and may only include those persons employed 23587  
in the eight specialist areas in a pattern approved by the 23588  
department of education under guidelines established by the state 23589  
board of education. 23590

(3) "Annual salary" means the annual base salary stated in 23591  
the state minimum salary schedule for the performance of the 23592  
teacher's regular teaching duties that the teacher earns for 23593

services rendered for the first full week of October of the fiscal 23594  
year for which the adjustment is made under division (C) of this 23595  
section. It shall not include any salary payments for supplemental 23596  
teachers contracts. 23597

(4) "Regular student population" means the formula ADM plus 23598  
the number of students reported as enrolled in the district 23599  
pursuant to division (A)(1) of section 3313.981 of the Revised 23600  
Code; minus the number of students reported under division (A)(2) 23601  
of section 3317.03 of the Revised Code; minus the FTE of students 23602  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 23603  
of that section who are enrolled in a vocational education class 23604  
or receiving special education; and minus twenty per cent of the 23605  
students enrolled concurrently in a joint vocational school 23606  
district. 23607

(5) "State share percentage" has the same meaning as in 23608  
section 3317.022 of the Revised Code. 23609

(6) "VEPD" means a school district or group of school 23610  
districts designated by the department of education as being 23611  
responsible for the planning for and provision of vocational 23612  
education services to students within the district or group. 23613

(7) "Lead district" means a school district, including a 23614  
joint vocational school district, designated by the department as 23615  
a VEPD, or designated to provide primary vocational education 23616  
leadership within a VEPD composed of a group of districts. 23617

(B) If the district employs less than one full-time 23618  
equivalent classroom teacher for each twenty-five pupils in the 23619  
regular student population in any school district, deduct the sum 23620  
of the amounts obtained from the following computations: 23621

(1) Divide the number of the district's full-time equivalent 23622  
classroom teachers employed by one twenty-fifth; 23623

(2) Subtract the quotient in (1) from the district's regular 23624

student population; 23625

(3) Multiply the difference in (2) by seven hundred fifty-two 23626  
dollars. 23627

(C) If a positive amount, add one-half of the amount obtained 23628  
by multiplying the number of full-time equivalent classroom 23629  
teachers by: 23630

(1) The mean annual salary of all full-time equivalent 23631  
classroom teachers employed by the district at their respective 23632  
training and experience levels minus; 23633

(2) The mean annual salary of all such teachers at their 23634  
respective levels in all school districts receiving payments under 23635  
this section. 23636

The number of full-time equivalent classroom teachers used in 23637  
this computation shall not exceed one twenty-fifth of the 23638  
district's regular student population. In calculating the 23639  
district's mean salary under this division, those full-time 23640  
equivalent classroom teachers with the highest training level 23641  
shall be counted first, those with the next highest training level 23642  
second, and so on, in descending order. Within the respective 23643  
training levels, teachers with the highest years of service shall 23644  
be counted first, the next highest years of service second, and so 23645  
on, in descending order. 23646

(D) This division does not apply to a school district that 23647  
has entered into an agreement under division (A) of section 23648  
3313.42 of the Revised Code. Deduct the amount obtained from the 23649  
following computations if the district employs fewer than five 23650  
full-time equivalent educational service personnel, including 23651  
elementary school art, music, and physical education teachers, 23652  
counselors, librarians, visiting teachers, school social workers, 23653  
and school nurses for each one thousand pupils in the regular 23654  
student population: 23655

(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths; 23656  
23657  
23658

(2) Subtract the quotient in (1) from the district's regular student population; 23659  
23660

(3) Multiply the difference in (2) by ninety-four dollars. 23661

(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. 23662  
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(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code. 23668  
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(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. 23676  
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(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. 23680  
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23682  
23683  
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(H) If the district has received a loan from a commercial lending institution for which payments are made by the 23685  
23686

superintendent of public instruction pursuant to division (E)(3) 23687  
of section 3313.483 of the Revised Code, deduct an amount equal to 23688  
such payments. 23689

(I)(1) If the district is a party to an agreement entered 23690  
into under division (D), (E), or (F) of section 3311.06 or 23691  
division (B) of section 3311.24 of the Revised Code and is 23692  
obligated to make payments to another district under such an 23693  
agreement, deduct an amount equal to such payments if the district 23694  
school board notifies the department in writing that it wishes to 23695  
have such payments deducted. 23696

(2) If the district is entitled to receive payments from 23697  
another district that has notified the department to deduct such 23698  
payments under division (I)(1) of this section, add the amount of 23699  
such payments. 23700

(J) If the district is required to pay an amount of funds to 23701  
a cooperative education district pursuant to a provision described 23702  
by division (B)(4) of section 3311.52 or division (B)(8) of 23703  
section 3311.521 of the Revised Code, deduct such amounts as 23704  
provided under that provision and credit those amounts to the 23705  
cooperative education district for payment to the district under 23706  
division (B)(1) of section 3317.19 of the Revised Code. 23707

(K)(1) If a district is educating a student entitled to 23708  
attend school in another district pursuant to a shared education 23709  
contract, compact, or cooperative education agreement other than 23710  
an agreement entered into pursuant to section 3313.842 of the 23711  
Revised Code, credit to that educating district on an FTE basis 23712  
both of the following: 23713

(a) An amount equal to the ~~greater of the following:~~ 23714

~~(i) The fiscal year 2005 formula amount times the fiscal year 23715  
2005 cost of doing business factor of the school district where 23716  
the student is entitled to attend school pursuant to section 23717~~

~~3313.64 or 3313.65 of the Revised Code;~~ 23718

~~(ii) The sum of (the current formula amount times the current~~ 23719  
~~cost of doing business factor of the school district when the~~ 23720  
~~student is entitled to attend school pursuant to section 3313.64~~ 23721  
~~or 3313.65 of the Revised Code) plus the per pupil amount of the~~ 23722  
base funding supplements specified in divisions (C)(1) to (4) of 23723  
section 3317.012 of the Revised Code. 23724

(b) An amount equal to the current formula amount times the 23725  
state share percentage times any multiple applicable to the 23726  
student pursuant to section 3317.013 or 3317.014 of the Revised 23727  
Code. 23728

(2) Deduct any amount credited pursuant to division (K)(1) of 23729  
this section from amounts paid to the school district in which the 23730  
student is entitled to attend school pursuant to section 3313.64 23731  
or 3313.65 of the Revised Code. 23732

(3) If the district is required by a shared education 23733  
contract, compact, or cooperative education agreement to make 23734  
payments to an educational service center, deduct the amounts from 23735  
payments to the district and add them to the amounts paid to the 23736  
service center pursuant to section 3317.11 of the Revised Code. 23737

(L)(1) If a district, including a joint vocational school 23738  
district, is a lead district of a VEPD, credit to that district 23739  
the amounts calculated for all the school districts within that 23740  
VEPD pursuant to division (E)(2) of section 3317.022 of the 23741  
Revised Code. 23742

(2) Deduct from each appropriate district that is not a lead 23743  
district, the amount attributable to that district that is 23744  
credited to a lead district under division (L)(1) of this section. 23745

(M) If the department pays a joint vocational school district 23746  
under division (G)(4) of section 3317.16 of the Revised Code for 23747  
excess costs of providing special education and related services 23748

to a ~~handicapped~~ student with a disability, as calculated under 23749  
division (G)(2) of that section, the department shall deduct the 23750  
amount of that payment from the city, local, or exempted village 23751  
school district that is responsible as specified in that section 23752  
for the excess costs. 23753

(N)(1) If the district reports an amount of excess cost for 23754  
special education services for a child under division (C) of 23755  
section 3323.14 of the Revised Code, the department shall pay that 23756  
amount to the district. 23757

(2) If the district reports an amount of excess cost for 23758  
special education services for a child under division (C) of 23759  
section 3323.14 of the Revised Code, the department shall deduct 23760  
that amount from the district of residence of that child. 23761

(O) If the department of job and family services presents to 23762  
the department of education a payment request through an 23763  
intrastate transfer voucher for the nonfederal share of 23764  
reimbursements made to a school district for medicaid services 23765  
provided by the district, the department of education shall pay 23766  
the amount of that request to the department of job and family 23767  
services and shall deduct the amount of that payment from the 23768  
district. 23769

(P) If the department is required to pay an amount under 23770  
section 3353.25 of the Revised Code to a school district 23771  
delivering a course included in the clearinghouse established 23772  
under section 3353.21 of the Revised Code for a student enrolled 23773  
in a school district, the department shall deduct that amount from 23774  
the school district in which the student is enrolled. 23775

**Sec. 3317.024.** In addition to the moneys paid to eligible 23776  
school districts pursuant to section 3317.022 of the Revised Code, 23777  
moneys appropriated for the education programs in divisions (A) to 23778  
(I), (K), (L), and (N) of this section shall be distributed to 23779

school districts meeting the requirements of section 3317.01 of 23780  
the Revised Code; in the case of divisions (G) and (L) of this 23781  
section, to educational service centers as provided in section 23782  
3317.11 of the Revised Code; in the case of divisions (D) and (J) 23783  
of this section, to county MR/DD boards; in the case of division 23784  
(N) of this section, to joint vocational school districts; in the 23785  
case of division (H) of this section, to cooperative education 23786  
school districts; and in the case of division (M) of this section, 23787  
to the institutions defined under section 3317.082 of the Revised 23788  
Code providing elementary or secondary education programs to 23789  
children other than children receiving special education under 23790  
section 3323.091 of the Revised Code. The following shall be 23791  
distributed monthly, quarterly, or annually as may be determined 23792  
by the state board of education: 23793

(A) An amount for each island school district and each joint 23794  
state school district for the operation of each high school and 23795  
each elementary school maintained within such district and for 23796  
capital improvements for such schools. Such amounts shall be 23797  
determined on the basis of standards adopted by the state board of 23798  
education. 23799

(B) An amount for each school district operating classes for 23800  
children of migrant workers who are unable to be in attendance in 23801  
an Ohio school during the entire regular school year. The amounts 23802  
shall be determined on the basis of standards adopted by the state 23803  
board of education, except that payment shall be made only for 23804  
subjects regularly offered by the school district providing the 23805  
classes. 23806

(C) An amount for each school district with guidance, 23807  
testing, and counseling programs approved by the state board of 23808  
education. The amount shall be determined on the basis of 23809  
standards adopted by the state board of education. 23810

(D) An amount for the emergency purchase of school buses as 23811



provided for in section 3317.07 of the Revised Code; 23812

(E) An amount for each school district required to pay 23813  
tuition for a child in an institution maintained by the department 23814  
of youth services pursuant to section 3317.082 of the Revised 23815  
Code, provided the child was not included in the calculation of 23816  
the district's average daily membership for the preceding school 23817  
year. 23818

(F) An amount for adult basic literacy education for each 23819  
district participating in programs approved by the state board of 23820  
education. The amount shall be determined on the basis of 23821  
standards adopted by the state board of education. 23822

(G) An amount for the approved cost of transporting eligible 23823  
pupils with disabilities attending a special education program 23824  
approved by the department of education whom it is impossible or 23825  
impractical to transport by regular school bus in the course of 23826  
regular route transportation provided by the district or service 23827  
center. No district or service center is eligible to receive a 23828  
payment under this division for the cost of transporting any pupil 23829  
whom it transports by regular school bus and who is included in 23830  
the district's transportation ADM. The state board of education 23831  
shall establish standards and guidelines for use by the department 23832  
of education in determining the approved cost of such 23833  
transportation for each district or service center. 23834

(H) An amount to each school district, including each 23835  
cooperative education school district, pursuant to section 3313.81 23836  
of the Revised Code to assist in providing free lunches to needy 23837  
children and an amount to assist needy school districts in 23838  
purchasing necessary equipment for food preparation. The amounts 23839  
shall be determined on the basis of rules adopted by the state 23840  
board of education. 23841

(I) An amount to each school district, for each pupil 23842

attending a chartered nonpublic elementary or high school within 23843  
the district. The amount shall equal the amount appropriated for 23844  
the implementation of section 3317.06 of the Revised Code divided 23845  
by the average daily membership in grades kindergarten through 23846  
twelve in nonpublic elementary and high schools within the state 23847  
as determined during the first full week in October of each school 23848  
year. 23849

(J) An amount for each county MR/DD board, distributed on the 23850  
basis of standards adopted by the state board of education, for 23851  
the approved cost of transportation required for children 23852  
attending special education programs operated by the county MR/DD 23853  
board under section 3323.09 of the Revised Code; 23854

(K) An amount for each school district that establishes a 23855  
mentor teacher program that complies with rules of the state board 23856  
of education. No school district shall be required to establish or 23857  
maintain such a program in any year unless sufficient funds are 23858  
appropriated to cover the district's total costs for the program. 23859

(L) An amount to each school district or educational service 23860  
center for the total number of gifted units approved pursuant to 23861  
section 3317.05 of the Revised Code. The amount for each such unit 23862  
shall be the sum of the minimum salary for the teacher of the 23863  
unit, calculated on the basis of the teacher's training level and 23864  
years of experience pursuant to the salary schedule prescribed in 23865  
the version of section 3317.13 of the Revised Code in effect prior 23866  
to July 1, 2001, plus fifteen per cent of that minimum salary 23867  
amount, plus two thousand six hundred seventy-eight dollars. 23868

(M) An amount to each institution defined under section 23869  
3317.082 of the Revised Code providing elementary or secondary 23870  
education to children other than children receiving special 23871  
education under section 3323.091 of the Revised Code. This amount 23872  
for any institution in any fiscal year shall equal the total of 23873  
all tuition amounts required to be paid to the institution under 23874

division (A)(1) of section 3317.082 of the Revised Code. 23875

(N) A grant to each school district and joint vocational 23876  
school district that operates a "graduation, reality, and 23877  
dual-role skills" (GRADS) program for pregnant and parenting 23878  
students that is approved by the department. The amount of the 23879  
payment shall be the district's state share percentage, as defined 23880  
in section 3317.022 or 3317.16 of the Revised Code, times the 23881  
GRADS personnel allowance times the full-time-equivalent number of 23882  
GRADS teachers approved by the department. The GRADS personnel 23883  
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 23884  
2008 and 2009. 23885

The state board of education or any other board of education 23886  
or governing board may provide for any resident of a district or 23887  
educational service center territory any educational service for 23888  
which funds are made available to the board by the United States 23889  
under the authority of public law, whether such funds come 23890  
directly or indirectly from the United States or any agency or 23891  
department thereof or through the state or any agency, department, 23892  
or political subdivision thereof. 23893

**Sec. 3317.025.** On or before the first day of June of each 23894  
year, the tax commissioner shall certify the following information 23895  
to the department of education and the office of budget and 23896  
management, for each school district in which the value of the 23897  
property described under division (A) of this section exceeds one 23898  
per cent of the taxable value of all real and tangible personal 23899  
property in the district or in which is located tangible personal 23900  
property designed for use or used in strip mining operations, 23901  
whose taxable value exceeds five million dollars, and the taxes 23902  
upon which the district is precluded from collecting by virtue of 23903  
legal proceedings to determine the value of such property: 23904

(A) The total taxable value of all property in the district 23905

owned by a public utility or railroad that has filed a petition 23906  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 23907  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 23908  
property in the district designed for use or used in strip mining 23909  
operations whose taxable value exceeds five million dollars upon 23910  
which have not been paid in full on or before the first day of 23911  
April of that calendar year all real and tangible personal 23912  
property taxes levied for the preceding calendar year and which 23913  
the district was precluded from collecting by virtue of 23914  
proceedings under section 205 of said act or by virtue of legal 23915  
proceedings to determine the tax liability of such strip mining 23916  
equipment; 23917

(B) The percentage of the total operating taxes charged and 23918  
payable for school district purposes levied against such valuation 23919  
for the preceding calendar year that have not been paid by such 23920  
date; 23921

(C) The product obtained by multiplying the value certified 23922  
under division (A) of this section by the percentage certified 23923  
under division (B) of this section. If the value certified under 23924  
division (A) of this section includes taxable property owned by a 23925  
public utility or railroad that has filed a petition for 23926  
reorganization under the bankruptcy act, the amount used in making 23927  
the calculation under this division shall be reduced by one per 23928  
cent of the total value of all real and tangible personal property 23929  
in the district or the value of the utility's or railroad's 23930  
property, whichever is less. 23931

Upon receipt of the certification, the department shall 23932  
recompute the payments required under section 3317.022 of the 23933  
Revised Code in the manner the payments would have been computed 23934  
if: 23935

(1) The amount certified under division (C) of this section 23936  
was not subject to taxation by the district and was not included 23937

in the certification made under division (A)(1), (A)(2), or (D) of 23938  
section 3317.021 of the Revised Code. 23939

(2) The amount of taxes charged and payable and unpaid and 23940  
used to make the computation under division (B) of this section 23941  
had not been levied and had not been used in the computation 23942  
required by division (B) of section 3317.021 of the Revised Code. 23943  
The department shall pay the district that amount in the ensuing 23944  
fiscal year in lieu of the amounts computed under section 3317.022 23945  
of the Revised Code. 23946

If a school district received a grant from the catastrophic 23947  
expenditures account pursuant to division (C) of section 3316.20 23948  
of the Revised Code on the basis of the same circumstances for 23949  
which a recomputation is made under this section, the amount of 23950  
the recomputation shall be reduced and transferred in accordance 23951  
with division (C) of section 3316.20 of the Revised Code. 23952

**Sec. 3317.026.** (A) As used in this section, "refunded taxes" 23953  
means taxes charged and payable from real and tangible personal 23954  
property, including public utility property, that have been found 23955  
to have been overpaid as the result of reductions in the taxable 23956  
value of such property and that have been refunded, including any 23957  
interest or penalty refunded with those taxes. If taxes are 23958  
refunded over a period of time pursuant to division (B)(2), (3), 23959  
or (4) of section 319.36 or division (C) of section 5727.471 of 23960  
the Revised Code, the total amount of taxes required to be 23961  
refunded, excluding any interest accruing after the day the 23962  
undertaking is entered into, shall be considered to have been 23963  
refunded on the day the first portion of the overpayment is paid 23964  
or credited. 23965

(B) Not later than the last day of February each year, each 23966  
county auditor shall certify to the tax commissioner, for each 23967  
school district in the county, the amount of refunded taxes 23968

refunded in the preceding calendar year and the reductions in 23969  
taxable value that resulted in those refunds, except for 23970  
reductions in taxable value that previously have been reported to 23971  
the tax commissioner on an abstract. If the tax commissioner 23972  
determines that the amount of refunded taxes certified for a 23973  
school district exceeds three per cent of the total taxes charged 23974  
and payable for current expenses of the school district for the 23975  
calendar year in which those taxes were refunded, the tax 23976  
commissioner shall certify the reductions in taxable value that 23977  
resulted in those refunds on or before the first day of June to 23978  
the department of education and the office of budget and 23979  
management. Upon receiving the certification by the tax 23980  
commissioner, the department of education shall reduce the total 23981  
taxable value of the school district, as defined in section 23982  
3317.02 of the Revised Code, by the total amount of the reductions 23983  
in taxable value that resulted in those refunds for the purpose of 23984  
computing the ~~SF-3 payment~~ state education aid for the school 23985  
district for the current fiscal year. The increase in the amount 23986  
of such aid resulting from the adjustment required by this section 23987  
shall be paid to the school district ~~on or before the thirty-first~~ 23988  
~~day of July of the following fiscal year.~~ The payment date shall 23989  
be determined by the director of budget and management. The 23990  
director shall select a payment date that is not earlier than the 23991  
first day of June of the current fiscal year and not later than 23992  
the thirty-first day of July of the following fiscal year. The 23993  
department of education shall not pay the district under this 23994  
section prior to approval by the director of budget and management 23995  
to make that payment. 23996

If an adjustment is made under this division in the amount of 23997  
state aid paid to a school district, the tax value reductions from 23998  
which that adjustment results shall not be used in recomputing aid 23999  
to a school district under section 3317.027 of the Revised Code. 24000

(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which an adjustment is made under this section, the amount of the adjustment shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

(D) Not later than the first day of June each year, the tax commissioner shall certify to the department of education and the office of budget and management for each school district the total of the increases in taxable value above the amount of taxable value on which tax was paid, as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code, as determined by the commissioner, and for which a notification was sent pursuant to section 5727.471 of the Revised Code, in the preceding calendar year. Upon receiving the certification, the department shall increase the total taxable value, as defined in section 3317.02 of the Revised Code, of the school district by the total amount of the increase in taxable value certified by the commissioner for the school district for the purpose of computing the school district's ~~SF-3 payment~~ state education aid for the following fiscal year.

**Sec. 3317.027.** On or before the fifteenth day of May of each year, the tax commissioner shall certify to the department of education and the office of budget and management:

(A) The amount by which applications filed under section 5713.38 of the Revised Code or complaints filed under section 5715.19 of the Revised Code resulted in a reduction in the second preceding year's taxable value in each school district in which such a reduction occurred, and the amount by which such reduction reduced the district's taxes charged and payable for such year;

and 24032

(B) The taxes charged and payable for the second preceding 24033  
tax year that were remitted under section 5713.081 of the Revised 24034  
Code and the taxable value against which such taxes were imposed. 24035

Upon receipt of such certifications, the department shall 24036  
recompute the district's ~~SF-3 payment~~ state education aid and 24037  
determine the amount that the ~~SF-3 payment~~ state education aid 24038  
would have been paid had the taxable value not been used in the 24039  
computation made under division (A)(1) of section 3317.021 of the 24040  
Revised Code and had the taxes charged and payable not been 24041  
included in the certification made under division (A)(3) of such 24042  
section. The department shall calculate the amount that the 24043  
remainder of the fiscal year's payments should have been for the 24044  
fiscal year including the amount of the ~~SF-3 payment~~ state 24045  
education aid as recomputed. The increase or decrease in the 24046  
amount of aid resulting from the adjustment required under this 24047  
section shall be paid to the school district ~~on or before the~~ 24048  
~~thirty first day of July of the following fiscal year. The payment~~ 24049  
~~date shall be determined by the director of budget and management.~~ 24050  
The director shall select a payment date that is not earlier than 24051  
the first day of June of the current fiscal year and not later 24052  
than the thirty-first day of July of the following fiscal year. 24053  
The department of education shall not pay the district under this 24054  
section prior to approval by the director of budget and management 24055  
to make that payment. 24056

If a school district received a grant from the catastrophic 24057  
expenditures account pursuant to division (C) of section 3316.20 24058  
of the Revised Code on the basis of the same circumstances for 24059  
which a recomputation is made under this section, the amount of 24060  
the recomputation shall be reduced and transferred in accordance 24061  
with division (C) of section 3316.20 of the Revised Code. 24062



Sec. 3317.028. (A) On or before the fifteenth day of May in 24063  
each calendar year prior to calendar year 2007, the tax 24064  
commissioner shall determine for each school district whether the 24065  
taxable value of all tangible personal property, including utility 24066  
tangible personal property, subject to taxation by the district in 24067  
the preceding tax year was less or greater than the taxable value 24068  
of such property during the second preceding tax year. If any such 24069  
decrease exceeds five per cent of the district's tangible personal 24070  
property taxable value included in the total taxable value used in 24071  
computing the district's ~~SF-3 payment~~ state education aid for the 24072  
fiscal year that ends in the current calendar year, or if any such 24073  
increase exceeds five per cent of the district's total taxable 24074  
value used in computing the district's ~~SF-3 payment~~ state 24075  
education aid for the fiscal year that ends in the current 24076  
calendar year, the tax commissioner shall certify both of the 24077  
following to the department of education and the office of budget 24078  
and management:

(1) The taxable value of the tangible personal property 24080  
increase or decrease, including utility tangible personal property 24081  
increase or decrease, which shall be considered a change in 24082  
valuation; 24083

(2) The decrease or increase in taxes charged and payable on 24084  
such change in taxable value calculated in the same manner as in 24085  
division (A)(3) of section 3317.021 of the Revised Code. 24086

(B) On or before May 15, 2007, and the fifteenth day of May 24087  
in each calendar year thereafter, the tax commissioner shall 24088  
determine for each school district whether the taxable value of 24089  
all utility tangible personal property subject to taxation by the 24090  
district in the preceding tax year was less or greater than the 24091  
taxable value of such property during the second preceding tax 24092  
year. If any decrease exceeds five per cent of the district's 24093

tangible personal property taxable value included in the total 24094  
taxable value used in the district's state aid computation for the 24095  
fiscal year that ends in the current calendar year, or if any 24096  
increase exceeds five per cent of the district's total taxable 24097  
value used in the district's state education aid computation for 24098  
the fiscal year that ends in the current calendar year, the tax 24099  
commissioner shall certify both of the following to the department 24100  
of education and the office of budget and management: 24101

(1) The taxable value of the utility tangible personal 24102  
property increase or decrease, which shall be considered a change 24103  
in valuation; 24104

(2) The decrease or increase in taxes charged and payable on 24105  
such change in taxable value calculated in the same manner as in 24106  
division (A)(3) of section 3317.021 of the Revised Code. 24107

(C) Upon receipt of a certification specified in this 24108  
section, the department of education shall reduce or increase by 24109  
the respective amounts certified and the taxable value and the 24110  
taxes charged and payable that were used in computing the 24111  
district's ~~SF-3 payment~~ state education aid for the fiscal year 24112  
that ends in the current calendar year and shall recompute the 24113  
~~SF-3 payment~~ state education aid for such fiscal year. The 24114  
department shall pay ~~the district a sum equal to one-half of the~~ 24115  
~~recomputed payments in lieu of the payments otherwise required~~ 24116  
~~under that section on or before the thirty first day of July of~~ 24117  
~~the following fiscal year~~ to or deduct from the district an amount 24118  
equal to one-half of the difference between the district's state 24119  
education aid prior to the recomputation under this section and 24120  
the district's recomputed state education aid. The payment date 24121  
shall be determined by the director of budget and management. The 24122  
director shall select a payment date that is not earlier than the 24123  
first day of June of the current fiscal year and not later than 24124  
the thirty-first day of July of the following fiscal year. The 24125

department of education shall not pay the district under this 24126  
section prior to approval by the director of budget and management 24127  
to make that payment. 24128

(D) If a school district received a grant from the 24129  
catastrophic expenditures account pursuant to division (C) of 24130  
section 3316.20 of the Revised Code on the basis of the same 24131  
circumstances for which a recomputation is made under this 24132  
section, the amount of the recomputation shall be reduced and 24133  
transferred in accordance with division (C) of section 3316.20 of 24134  
the Revised Code. 24135

**Sec. 3317.029.** (A) As used in this section: 24136

(1) "Poverty percentage" means the quotient obtained by 24137  
dividing the ~~five-year~~ average number of children ages five to 24138  
seventeen residing in the school district and living in a family 24139  
receiving assistance under the Ohio works first program or an 24140  
antecedent program known as TANF or ADC for the preceding five 24141  
years, as certified or adjusted under section 3317.10 of the 24142  
Revised Code, by the district's three-year average formula ADM. 24143

(2) "Statewide poverty percentage" means the ~~five-year~~ 24144  
average of the total number of children ages five to seventeen 24145  
years residing in the state and receiving assistance under the 24146  
Ohio works first program or an antecedent program known as TANF or 24147  
ADC for the preceding five years, divided by the sum of the 24148  
three-year average formula ADMs for all school districts in the 24149  
state. 24150

(3) "Poverty index" means the quotient obtained by dividing 24151  
the school district's poverty percentage by the statewide poverty 24152  
percentage. 24153

(4) "Poverty student count" means the ~~five-year~~ average 24154  
number of children ages five to seventeen residing in the school 24155

district and living in a family receiving assistance under the 24156  
Ohio works first program or an antecedent program known as TANF or 24157  
ADC for the preceding five years, as certified under section 24158  
3317.10 of the Revised Code. 24159

(5) "Kindergarten ADM" means the number of students reported 24160  
under section 3317.03 of the Revised Code as enrolled in 24161  
kindergarten, excluding any kindergarten students reported under 24162  
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 24163  
Code. 24164

(6) "Kindergarten through third grade ADM" means the amount 24165  
calculated as follows: 24166

(a) Multiply the kindergarten ADM by the sum of one plus the 24167  
all-day kindergarten percentage; 24168

(b) Add the number of students in grades one through three; 24169

(c) Subtract from the sum calculated under division (A)(6)(b) 24170  
of this section the number of special education students in grades 24171  
kindergarten through three. 24172

"Kindergarten through third grade ADM" shall not include any 24173  
students reported under division (B)(3)(e), (f), or (g) of section 24174  
3317.03 of the Revised Code. 24175

(7) "All-day kindergarten" means a kindergarten class that is 24176  
in session five days per week for not less than the same number of 24177  
clock hours each day as for pupils in grades one through six. 24178

(8) "All-day kindergarten percentage" means the percentage of 24179  
a district's actual total number of students enrolled in 24180  
kindergarten who are enrolled in all-day kindergarten. 24181

(9) "All-day kindergarten ADM" means the number of students 24182  
reported under section 3317.03 of the Revised Code as enrolled in 24183  
all-day kindergarten, excluding any kindergarten students reported 24184  
under division (B)(3)(e), (f), or (g) of that section. 24185

(10) "Academic distress percentage" means the quotient of the number of district-operated buildings in the school district designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the total number of buildings in the district that were open for instruction during the same school year to which the ratings apply.

(11) "Statewide academic distress percentage" means the quotient of the statewide number of school district buildings and community schools designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the statewide total number of school district buildings and community schools that were open for instruction during the same school year to which the ratings apply.

(12) "Academic distress index" means the quotient of the school district's academic distress percentage, divided by the statewide academic distress percentage.

(13) "Buildings with the highest concentration of need" means the school buildings in a district with that meet either of the following criteria:

(a) Are in school improvement status pursuant to the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code;

(b) Have percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance. However, the district shall give priority to any of those buildings that have been declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code.

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the

Revised Code is insufficient to determine the Ohio works first 24217  
percentage in each building, "buildings with the highest 24218  
concentration of need" has the meaning given in rules that the 24219  
department of education shall adopt. The rules shall base the 24220  
definition of "buildings with the highest concentration of need" 24221  
on family income of students ~~in grades kindergarten through three~~ 24222  
in a manner that, to the extent possible with available data, 24223  
approximates the intent ~~of this division and division (K) of this~~ 24224  
~~section~~ to designate buildings where the Ohio works first 24225  
percentage ~~in these grades~~ equals or exceeds the district-wide 24226  
Ohio works first percentage. 24227

(B) ~~In addition to the amounts required to be paid to a~~ 24228  
~~school district under section 3317.022 of the Revised Code, the~~ 24229  
The department of education shall compute ~~and distribute to for~~ 24230  
each school district for poverty-based assistance the ~~greater of~~ 24231  
~~the following:~~ 24232

~~(1) The amount the district received in fiscal year 2005 for~~ 24233  
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 24234  
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 24235  
~~amount deducted from the district under Section 16 of Am. Sub.~~ 24236  
~~S.B. 2 of the 125th general assembly that year for payments to~~ 24237  
~~internet and computer based community schools;~~ 24238

~~(2) The sum of the computations made under divisions (C) to~~ 24239  
~~(I) and (K) of this section and shall pay that sum to the district~~ 24240  
~~in accordance with division (A) of section 3317.022 of the Revised~~ 24241  
~~Code.~~ 24242

(C) A payment for academic intervention programs, if the 24243  
district's poverty index is greater than or equal to 0.25, 24244  
calculated as follows: 24245

(1) If the district's poverty index is greater than or equal 24246  
to 0.25, calculate the district's level one amount for large-group 24247

academic intervention for all students as follows: 24248

(a) If the district's poverty index is greater than or equal 24249  
to 0.25 but less than 0.75: 24250

large-group intervention units X hourly rate X 24251

level one hours X [(poverty index - 0.25)/0.5] 24252

~~X phase in percentage~~ 24253

Where: 24254

(i) "Large-group intervention units" equals the district's 24255  
formula ADM divided by 20; 24256

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 24257  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009; 24258

(iii) "Level one hours" equals 25 hours; 24259

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006~~ 24260  
~~and 1.00 in fiscal year 2007.~~ 24261

(b) If the district's poverty index is greater than or equal 24262  
to 0.75: 24263

large-group intervention units X hourly rate X 24264

level one hours ~~X phase in percentage~~ 24265

Where "large-group intervention units," "hourly rate," and 24266  
"level one hours," ~~and "phase in percentage"~~ have the same 24267  
meanings as in division (C)(1)(a) of this section. 24268

(2) If the district's poverty index is greater than or equal 24269  
to 0.75, calculate the district's level two amount for 24270  
medium-group academic intervention for all students as follows: 24271

(a) If the district's poverty index is greater than or equal 24272  
to 0.75 but less than 1.50: 24273

medium-group intervention units X hourly rate 24274

X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 24275

~~X phase in percentage~~ 24276

Where: 24277

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate<sub>T</sub>" and "level one hours<sub>T</sub>" and "~~phase in percentage~~" have the same meanings as in division (C)(1)(a) of this section.

(b) If the district's poverty index is greater than or equal to 1.50:

medium-group intervention units X hourly rate X  
level two hours ~~X phase in percentage~~

Where:

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;

(ii) "Hourly rate" ~~and "phase in percentage"~~ has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section;

(iii) "Level two hours" equals 50 hours.

(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:

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:

small group intervention units X hourly rate X  
{level one hours + [level three hours X  
(poverty index - 1.50)]} ~~X phase in percentage~~

Where:

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;

(ii) "Hourly rate<sub>T</sub>" and "level one hours<sub>T</sub>" and "~~phase in percentage~~" have the same meanings as in division (C)(1)(a) of this section;



(iii) "Level three hours" equals 135 hours.	24308
(b) If the district's poverty index is greater than or equal to 2.50:	24309
small group intervention units X hourly rate	24310
X level three hours <del>X phase in percentage</del>	24311
Where:	24312
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	24313
(ii) "Hourly rate" <del>and "phase in percentage" have</del> <u>has</u> the same <del>meanings</del> <u>meaning</u> as in division (C)(1)(a) of this section;	24314
(iii) "Level three hours" equals 160 hours.	24315
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.	24316
(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 <del>kindergarten percentage by the</del> kindergarten ADM <del>and multiplying that product</del> by the formula amount.	24317
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(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 follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school district as follows:

(a) If the poverty index of the school district is less than 1.0, the formula number of teachers is 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one;

(b) If the poverty index of the school district is greater than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 24369  
50.0, which is the number of teachers per one thousand students at 24370  
a student-teacher ratio of twenty to one, and divide that product 24371  
by one thousand; 24372

(b) Subtract the quotient obtained in division (E)(3)(a) of 24373  
this section from the product in division (E)(2) of this section. 24374

(4) Multiply the greater of the difference obtained under 24375  
division (E)(3) of this section or zero by the statewide average 24376  
teachers compensation. For this purpose, the "statewide average 24377  
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 24378  
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 24379  
amount for the value of fringe benefits. 24380

(F) A payment for services to limited English proficient 24381  
students, if the district's poverty index is greater than or equal 24382  
to 1.0 and the proportion of its students who are limited English 24383  
proficient, as reported in 2003 on its school district report 24384  
issued under section 3302.03 of the Revised Code for the 2002-2003 24385  
school year, is greater than or equal to 2.0%, calculated as 24386  
follows: 24387

(1) If the district's poverty index is greater than or equal 24388  
to 1.0, but less than 1.75, determine the amount per limited 24389  
English proficient student as follows: 24390

$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0) / 0.75)]\}$  24391

X formula amount 24392

(2) If the district's poverty index is greater than or equal 24393  
to 1.75, the amount per limited English proficient student equals: 24394

0.25 X formula amount 24395

(3) Multiply the per student amount determined for the 24396  
district under division (F)(1) or (2) of this section by the 24397  
number of the district's limited English proficient students, 24398  
times a phase-in percentage of ~~0.40 in fiscal year 2006~~ and 0.70 24399

in fiscal ~~year 2007~~ years 2008 and 2009. For purposes of this 24400  
calculation, the number of limited English proficient students for 24401  
each district shall be the number determined by the department 24402  
when it calculated the district's percentage of limited English 24403  
proficient students for its school district report card issued in 24404  
2003 for the 2002-2003 school year. 24405

~~Not later than December 31, 2006, the department of education 24406  
shall recommend to the general assembly and the director of budget 24407  
and management a method of identifying the number of limited 24408  
English proficient students for purposes of calculating payments 24409  
under this division after fiscal year 2007. 24410~~

(G) A payment for professional development of teachers, if 24411  
the district's poverty index is greater than or equal to 1.0, 24412  
calculated as follows: 24413

(1) If the district's poverty index is greater than or equal 24414  
to 1.0, but less than 1.75, determine the amount per teacher as 24415  
follows: 24416

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$  24417

(2) If the district's poverty index is greater than or equal 24418  
to 1.75, the amount per teacher equals: 24419

$0.045 \times \text{formula amount}$  24420

(3) Determine the number of teachers, as follows: 24421

(formula ADM/17) 24422

(4) Multiply the per teacher amount determined for the 24423  
district under division (G)(1) or (2) of this section by the 24424  
number of teachers determined under division (G)(3) of this 24425  
section, ~~times a phase in percentage of 0.40 in fiscal year 2006 24426  
and 0.70 in fiscal year 2007. 24427~~

(H) A payment for dropout prevention, if the district is a 24428  
big eight school district as defined in section 3314.02 of the 24429  
Revised Code, calculated as follows: 24430

0.005 X formula amount X poverty index	24431
X formula ADM X <del>phase in percentage</del>	24432
Where <del>"phase in percentage" equals 0.40 in fiscal year 2006</del>	24433
and <del>0.70 in fiscal year 2007.</del>	24434
(I) An amount for community outreach, if the district is an	24435
urban school district as defined in section 3314.02 of the Revised	24436
Code, calculated as follows:	24437
0.005 X formula amount X poverty index X	24438
formula ADM X <del>phase in percentage</del>	24439
Where <del>"phase in percentage" equals 0.40 in fiscal year 2006</del>	24440
and <del>0.70 in fiscal year 2007.</del>	24441
(J) This division applies only to school districts <del>whose</del>	24442
<del>poverty index is 1.0 or greater. <u>that receive more than ten</u></del>	24443
<del><u>thousand dollars under this section. Each such district shall use</u></del>	24444
<del><u>funds paid under this section only for one or more of the</u></del>	24445
<del><u>following purposes:</u></del>	24446
(1) <del>Each school district subject to this division shall first</del>	24447
<del>utilize funds received under this section so that, when combined</del>	24448
<del>with other funds of the district, sufficient funds exist to <u>To</u></del>	24449
<del>provide all-day kindergarten to at least the number of children in</del>	24450
<del>the district's all-day kindergarten percentage. <u>To satisfy this</u></del>	24451
<del>requirement, a district may use funds paid under division (C),</del>	24452
<del>(F), (G), (H), or (I) of this section to provide all day</del>	24453
<del>kindergarten in addition to the all-day kindergarten payment under</del>	24454
<del>division (D) of this section. <u>ADM;</u></del>	24455
(2) <del>Except as permitted under division (J)(1) of this</del>	24456
<del>section, each school district shall use its payment under division</del>	24457
<del>(F) of this section for <u>To provide services to students with</u></del>	24458
<del><u>limited English proficiency through</u> one or more of the following</del>	24459
<del><u>purposes activities:</u></del>	24460
(a) <del>To hire <u>Hiring</u> teachers for limited English proficient</del>	24461

students or other personnel to provide intervention services for 24462  
those students; 24463

(b) ~~To contract~~ Contracting for intervention services for 24464  
those students; 24465

(c) ~~To provide~~ Providing other services to assist those 24466  
students in passing the third-grade reading achievement test, and 24467  
to provide for those students the intervention services required 24468  
by section 3313.608 of the Revised Code. 24469

(3) ~~Except as permitted under division (J)(1) of this~~ 24470  
~~section, each school district shall use its payment under division~~ 24471  
~~(C) of this section for~~ To provide professional development of 24472  
teachers or other licensed personnel providing educational 24473  
services to students only in one or more of the following areas: 24474

(a) Data-based decision making; 24475

(b) Standards-based curriculum models; 24476

(c) ~~Job embedded~~ High quality professional development 24477  
activities that are research-based, as defined ~~in federal law by~~ 24478  
state standards developed under section 3319.61 of the Revised 24479  
Code; 24480

(d) Professional learning communities. 24481

In addition, each district that elects to use funds paid 24482  
under this section for professional development shall ~~use the~~ 24483  
~~payment~~ only to implement programs identified on a list of 24484  
eligible professional development programs provided by the 24485  
department of education. The department annually shall provide the 24486  
list to each district receiving a payment under ~~division (C) of~~ 24487  
this section. ~~However, a district may apply to the department for~~ 24488  
~~a waiver to implement an alternative professional development~~ 24489  
~~program in one or more of the areas specified in divisions~~ 24490  
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 24491

~~waiver, the district may use its payment under division (G) of  
this section to implement the alternative program.~~ 24492  
24493

~~(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.~~~~

~~(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:~~

(a) To hire or contract for community liaison officers,  
attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are  
free of drugs and violence and have a disciplined environment  
conducive to learning in accordance with safe school guidelines  
adopted by the state board of education;

(c) To implement academic intervention services described in 24524  
division (J)(6) of this section. 24525

(6) Except as permitted under division (J)(1) of this 24526  
section, each school district with a poverty index greater than or 24527  
equal to 1.0 shall use the amount of its payment under division 24528  
(C) of this section, ~~and may use any amount of its payment under~~ 24529  
~~division (H) or (I) of this section,~~ for academic intervention 24530  
services, designed in accordance with student intervention 24531  
guidelines adopted by the state board, for students who have 24532  
failed or are in danger of failing any of the tests administered 24533  
pursuant to section 3301.0710 of the Revised Code, including 24534  
intervention services required by section 3313.608 of the Revised 24535  
Code. Except as permitted under division (J)(1) of this section, 24536  
no district shall spend any portion of its payment under division 24537  
(C) of this section for any other purpose. Notwithstanding any 24538  
provision to the contrary in Chapter 4117. of the Revised Code, no 24539  
collective bargaining agreement entered into after June 30, 2005, 24540  
shall require use of the payment for any other purpose. 24541

(7) ~~Except as otherwise required by division (K) or permitted~~ 24542  
~~under division (O) of this section, all remaining funds~~ 24543  
~~distributed under this section to districts with a poverty index~~ 24544  
~~greater than or equal to 1.0 shall be utilized for the purpose of~~ 24545  
~~the third grade guarantee. The third grade guarantee consists of~~ 24546  
For increased classroom learning opportunities by increasing the 24547  
amount of instructional attention received per pupil in 24548  
kindergarten through third grade, either by reducing the ratio of 24549  
students to instructional personnel or by increasing the amount of 24550  
instruction and curriculum-related activities by extending the 24551  
length of the school day or the school year. 24552

School districts may implement a reduction of the ratio of 24553  
students to instructional personnel through any or all of the 24554  
following methods: 24555



(a) Reducing the number of students in a classroom taught by a single teacher;	24556 24557
(b) Employing full-time educational aides or educational paraprofessionals, issued a permit or license under section 3319.088 of the Revised Code, <u>who are engaged in classroom support activities;</u>	24558 24559 24560 24561
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	24562 24563
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.	24564 24565 24566 24567 24568 24569 24570 24571 24572 24573 24574 24575 24576 24577 24578
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	24579 24580 24581
<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>	24582 24583 24584
<u>(9) To furnish, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic</u>	24585 24586

textbooks required to be furnished without charge pursuant to 24587  
section 3329.06 of the Revised Code, to pupils living in families 24588  
participating in Ohio works first in accordance with section 24589  
3313.642 of the Revised Code; 24590

(10) For programs designed to reduce nonacademic barriers to 24591  
learning, in accordance with guidelines developed by the 24592  
department of education; 24593

(11) For start-up costs associated with school breakfast 24594  
programs provided pursuant to section 3313.813 of the Revised 24595  
Code. 24596

A school district may apply to the department, in the form 24597  
and manner prescribed by the department, for a waiver to spend 24598  
funds paid under this section for programs not described in 24599  
divisions (J)(1) to (11) of this section. The waiver application 24600  
shall specify the rationale for the alternative expenditure and 24601  
the intended benefits for disadvantaged students. If the 24602  
department grants the waiver, the district may use funds paid 24603  
under this section to implement the alternative program. 24604

~~(K) Each district shall not expend any funds received under~~ 24605  
~~division (E) of this section in any school buildings that are not~~ 24606  
~~buildings with the highest concentration of need, unless there is~~ 24607  
~~a ratio of instructional personnel to students of no more than~~ 24608  
~~fifteen to one in each kindergarten and first grade class in all~~ 24609  
~~buildings with the highest concentration of need. This division~~ 24610  
~~does not require that the funds used in buildings with the highest~~ 24611  
~~concentration of need be spent solely to reduce the ratio of~~ 24612  
~~instructional personnel to students in kindergarten and first~~ 24613  
~~grade. A school district may spend the funds in those buildings in~~ 24614  
~~any manner permitted by division (J)(7) of this section, but may~~ 24615  
~~not spend the money in other buildings unless the fifteen to one~~ 24616  
~~ratio required by this division is attained. A payment for~~ 24617  
assistance in closing the achievement gap, calculated as follows: 24618

(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

following formula: 24651

poverty index X academic distress index X 24652

(0.0015 X formula amount) X formula ADM 24653

~~(L)(1) By the first day of August of each fiscal year, each~~ 24654

This division applies only to funds paid under division (K)(2)(b) 24655

of this section. 24656

(1) If applicable, each school district shall use the funds 24657

for any necessary expenses for the continued operation of a school 24658

district academic distress commission appointed under section 24659

3302.10 of the Revised Code. 24660

(2) After satisfying the requirement of division (L)(1) of 24661

this section, each district shall spend the remaining funds only 24662

for one or more of the following purposes and only in buildings 24663

with the highest concentration of need: 24664

(a) Assistance in improving student performance; 24665

(b) Professional development for teachers and administrators; 24666

(c) Assistance in recruiting and retaining teachers and 24667

administrators. 24668

(M)(1) Each school district wishing to receive any funds 24669

under division (D) of this section shall submit to the department 24670

of education an estimate of its the number of students attending 24671

all-day kindergarten percentage when reporting formula ADM under 24672

section 3317.03 of the Revised Code. Each district shall update 24673

its estimate throughout the fiscal year in the form and manner 24674

required by the department, and the department shall adjust 24675

payments under this section to reflect the updates. 24676

~~(2) Annually by the end of December, the department of~~ 24677

~~education, utilizing data from the information system established~~ 24678

~~under section 3301.0714 of the Revised Code, shall determine for~~ 24679

~~each school district subject to division (J) of this section~~ 24680

~~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 24713  
that receives a payment under division (I) of this section shall 24714  
use its payment under that division for one or a combination of 24715  
the following purposes: 24716~~

~~(a) To hire or contract for community liaison officers, 24717  
attendance or truant officers, or safety and security personnel; 24718~~

~~(b) To implement programs designed to ensure that schools are 24719  
free of drugs and violence and have a disciplined environment 24720  
conducive to learning; 24721~~

~~(c) To implement academic intervention services described in 24722  
division (J)(6) of this section. 24723~~

~~(4) Each school district to which division (M)(1), (2), or 24724  
(3) of this section applies shall expend the remaining funds 24725  
received under this section, and any other district with a poverty 24726  
index less than 1.0 shall expend all funds received under this 24727  
section, for any of the following purposes: 24728~~

~~(a) The purchase of technology for instructional purposes for 24729  
remediation; 24730~~

~~(b) All day kindergarten; 24731~~

~~(c) Reduction of class sizes in grades kindergarten through 24732  
three, as described in division (J)(7) of this section; 24733~~

~~(d) Summer school remediation; 24734~~

~~(e) Dropout prevention programs approved by the department of 24735  
education under division (J)(4) of this section; 24736~~

~~(f) Guaranteeing that all third graders are ready to progress 24737  
to more advanced work; 24738~~

~~(g) Summer education and work programs; 24739~~

~~(h) Adolescent pregnancy programs; 24740~~

~~(i) Head start, preschool, early childhood education, or 24741~~

~~early learning programs;~~ 24742

~~(j) Reading improvement and remediation programs described by  
the department of education;~~ 24743  
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~~(k) Programs designed to ensure that schools are free of  
drugs and violence and have a disciplined environment conducive to  
learning;~~ 24745  
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~~(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;~~ 24748  
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~~(m) School breakfasts provided pursuant to section 3313.813  
of the Revised Code.~~ 24754  
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~~(N)(O)~~ If at any time the superintendent of public 24756  
instruction determines that a school district receiving funds 24757  
under division (D) of this section has enrolled ~~less~~ fewer than 24758  
the number of all-day kindergarten ~~percentage~~ students reported 24759  
for that fiscal year, the superintendent shall withhold from the 24760  
funds otherwise due the district under this section a proportional 24761  
amount as determined by the difference in the certified all-day 24762  
kindergarten ~~percentage~~ ADM and the ~~percentage actually enrolled~~ 24763  
~~in actual~~ all-day kindergarten ADM. 24764

The superintendent shall also withhold an appropriate amount 24765  
of funds otherwise due a district for any other misuse of funds 24766  
not in accordance with this section. 24767

~~(O)(P)~~(1) A district may use a portion of the funds 24768  
~~calculated for it~~ paid under ~~division (D)~~ of this section to 24769  
modify or purchase classroom space to provide all-day 24770  
kindergarten, if both of the following conditions are met: 24771

(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. 24772  
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(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section. 24775  
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(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. 24778  
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(O) Not later than the thirtieth day of September each year, each school district paid more than ten thousand dollars 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. 24785  
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**Sec. 3317.0216.** (A) As used in this section: 24794

(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. 24795  
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(2) "Charge-off amount" means two and three-tenths per cent multiplied by (the sum of recognized valuation and property exemption value). 24803  
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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. 24806  
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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.~~ 24816  
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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. 24823  
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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 24833  
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current expenses and ~~current expense revenues from the tangible~~ 24835  
~~property tax replacement fund~~, the department shall, in addition 24836  
to the payment required under division (B) of this section, pay 24837  
the district the amount of its actual local share of special 24838  
education, transportation, and vocational education funding. 24839

(2) If a district's charge-off amount is less than ~~the sum of~~ 24840  
its total taxes charged and payable for current expenses and 24841  
~~current expense revenues from the tangible property tax~~ 24842  
~~replacement fund~~, the department shall pay the district any amount 24843  
by which its actual local share of special education, 24844  
transportation, and vocational education funding exceeds ~~the sum~~ 24845  
~~of~~ its total taxes charged and payable for current expenses and 24846  
~~current expense revenues from the tangible property tax~~ 24847  
~~replacement fund~~ minus its charge-off amount. 24848

(D) If a school district that received a payment under 24849  
division (B) or (C) of this section in the prior fiscal year is 24850  
ineligible for payment under those divisions in the current fiscal 24851  
year, the department shall determine if the ineligibility is the 24852  
result of a property tax or income tax levy approved by the 24853  
district's voters to take effect in tax year 2005 or thereafter. 24854  
If the department determines that is the case, and calculates that 24855  
the levy causing the ineligibility exceeded by at least one mill 24856  
the equivalent millage of the prior year's payment under divisions 24857  
(B) and (C) of this section, the department shall make a payment 24858  
to the district for the first three years that the district loses 24859  
eligibility for payment under divisions (B) and (C) of this 24860  
section, as follows: 24861

(1) In the first year of ineligibility, the department shall 24862  
pay the district seventy-five per cent of the amount it last paid 24863  
the district under divisions (B) and (C) of this section. 24864

(2) In the second year of ineligibility, the department shall 24865  
pay the district fifty per cent of the amount it last paid the 24866

district under those divisions. 24867

(3) In the third year of ineligibility, the department shall 24868  
pay the district twenty-five per cent of the amount it last paid 24869  
the district under those divisions. 24870

(E) A district that receives payment under division (D) of 24871  
this section and subsequently qualifies for payment under division 24872  
(B) or (C) of this section is ineligible for future payments under 24873  
division (D) of this section. 24874

(F) To enable the department of education to make the 24875  
determinations and to calculate payments under division (D) of 24876  
this section, on ~~the effective date of this amendment~~ March 30, 24877  
2006, and on or before the first day of March of each year 24878  
thereafter, the department shall send to the tax commissioner a 24879  
list of school districts receiving payments under division (B) or 24880  
(C) of this section for the current fiscal year. On or before the 24881  
first day of the following June, the tax commissioner shall 24882  
certify to the department of education for those school districts 24883  
the information required by division (A)(8) of section 3317.021 of 24884  
the Revised Code. 24885

**Sec. 3317.0217.** The Payment of the amount calculated for a 24886  
school district under this section shall be made under division 24887  
(A) of section 3317.022 of the Revised Code. 24888

The department of education shall annually compute ~~and pay~~ 24889  
state parity aid to school districts, as follows: 24890

(A) Calculate the local wealth per pupil of each school 24891  
district, which equals the following sum: 24892

(1) Two-thirds times the quotient of (a) the district's 24893  
recognized valuation divided by (b) its formula ADM; plus 24894

(2) One-third times the quotient of (a) the average of the 24895  
total federal adjusted gross income of the school district's 24896

residents for the three years most recently reported under section 24897  
3317.021 of the Revised Code divided by (b) its formula ADM. 24898

(B) Rank all school districts in order of local wealth per 24899  
pupil, from the district with the lowest local wealth per pupil to 24900  
the district with the highest local wealth per pupil. 24901

(C) Compute the per pupil state parity aid funding for each 24902  
eligible school district in accordance with the following formula: 24903

(threshold local wealth 24904  
per pupil - the district's local 24905  
wealth per pupil) X ~~0.0075~~ parity millage 24906

Where: 24907

~~(1) Seven and one half mills (0.0075) is an adjustment to the 24908  
original parity aid standard of nine and one half mills, to 24909  
account for the general assembly's policy decision to phase out 24910  
use of the cost of doing business factor in the base cost formula 24911  
In fiscal year 2008, an "eligible school district" means a school 24912  
district with a local wealth per pupil less than that of the 24913  
school district with the four-hundred-eleventh lowest local wealth 24914  
per pupil. In fiscal year 2009, an "eligible school district" 24915  
means a school district with a local wealth per pupil less than 24916  
that of the school district with the three-hundred-sixty-eighth 24917  
lowest local wealth per pupil. 24918~~

(2) The "threshold local wealth per pupil" is the local 24919  
wealth per pupil of the school district with the 24920  
four-hundred-ninetieth lowest local wealth per pupil. 24921

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 24922  
in fiscal year 2009, equals 0.0085. 24923

If the result of the calculation for a school district under 24924  
division (C) of this section is less than zero, the district's per 24925  
pupil parity aid shall be zero. 24926

(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	24988
students shall not be included in the determination:	24989
(a) Students enrolled in adult education classes;	24990
(b) Adjacent or other district students enrolled in the	24991
district under an open enrollment policy pursuant to section	24992
3313.98 of the Revised Code;	24993
(c) Students receiving services in the district pursuant to a	24994
compact, cooperative education agreement, or a contract, but who	24995
are entitled to attend school in another district pursuant to	24996
section 3313.64 or 3313.65 of the Revised Code;	24997
(d) Students for whom tuition is payable pursuant to sections	24998
3317.081 and 3323.141 of the Revised Code;	24999
(e) Students receiving services in the district through a	25000
scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u>	25001
<u>3310.51 to 3310.63</u> of the Revised Code.	25002
(2) On an FTE basis, except as provided in division (A)(2)(h)	25003
of this section, the number of students entitled to attend school	25004
in the district pursuant to section 3313.64 or 3313.65 of the	25005
Revised Code, but receiving educational services in grades	25006
kindergarten through twelve from one or more of the following	25007
entities:	25008
(a) A community school pursuant to Chapter 3314. of the	25009
Revised Code, including any participation in a college pursuant to	25010
Chapter 3365. of the Revised Code while enrolled in such community	25011
school;	25012
(b) An alternative school pursuant to sections 3313.974 to	25013
3313.979 of the Revised Code as described in division (I)(2)(a) or	25014
(b) of this section;	25015
(c) A college pursuant to Chapter 3365. of the Revised Code,	25016
except when the student is enrolled in the college while also	25017

enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	25018 25019
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	25020 25021 25022
(e) An educational service center or cooperative education district;	25023 25024
(f) Another school district under a cooperative education agreement, compact, or contract;	25025 25026
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	25027 25028
(h) An alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.63</u> of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.	25029 25030 25031 25032 25033
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 <u>or 3310.51</u> of the Revised Code, <u>as applicable</u> .	25034 25035 25036
(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;	25037 25038 25039 25040 25041 25042 25043 25044
(4) The number of <del>handicapped</del> children <u>with disabilities</u> , other than <del>handicapped</del> preschool children <u>with disabilities</u> , entitled to attend school in the district pursuant to section	25045 25046 25047



3313.64 or 3313.65 of the Revised Code who are placed by the 25048  
district with a county MR/DD board, minus the number of such 25049  
children placed with a county MR/DD board in fiscal year 1998. If 25050  
this calculation produces a negative number, the number reported 25051  
under division (A)(4) of this section shall be zero. 25052

~~(5) Beginning in fiscal year 2007, in the case of the report 25053  
submitted for the first full week in February, or the alternative 25054  
week if specified by the superintendent of public instruction, the 25055  
number of students reported under division (A)(1) or (2) of this 25056  
section for the first full week of the preceding October but who 25057  
since that week have received high school diplomas. 25058~~

(B) To enable the department of education to obtain the data 25059  
needed to complete the calculation of payments pursuant to this 25060  
chapter, in addition to the formula ADM, each superintendent shall 25061  
report separately the following student counts for the same week 25062  
for which formula ADM is certified: 25063

(1) The total average daily membership in regular day classes 25064  
included in the report under division (A)(1) or (2) of this 25065  
section for kindergarten, and each of grades one through twelve in 25066  
schools under the superintendent's supervision; 25067

(2) The number of all ~~handicapped~~ preschool children with 25068  
disabilities enrolled as of the first day of December in classes 25069  
in the district that are eligible for approval under division (B) 25070  
of section 3317.05 of the Revised Code and the number of those 25071  
classes, which shall be reported not later than the fifteenth day 25072  
of December, in accordance with rules adopted under that section; 25073

(3) The number of children entitled to attend school in the 25074  
district pursuant to section 3313.64 or 3313.65 of the Revised 25075  
Code who are: 25076

(a) Participating in a pilot project scholarship program 25077  
established under sections 3313.974 to 3313.979 of the Revised 25078

Code as described in division (I)(2)(a) or (b) of this section;	25079
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	25080 25081 25082 25083
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	25084 25085
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	25086 25087 25088 25089 25090 25091
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	25092 25093 25094 25095
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	25096 25097
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u> <u>3310.51 to 3310.63</u> of the Revised Code;	25098 25099 25100 25101
(h) Enrolled as a <del>handicapped</del> preschool child <u>with a disability</u> in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	25102 25103 25104 25105
(i) Participating in a program operated by a county MR/DD board or a state institution.	25106 25107
(4) The number of pupils enrolled in joint vocational	25108

schools; 25109

(5) The combined average daily membership of ~~handicapped~~ 25110  
children with disabilities reported under division (A)(1) or (2) 25111  
of this section receiving special education services for the 25112  
category one ~~handicap~~ disability described in division (A) of 25113  
section 3317.013 of the Revised Code, including children attending 25114  
a special education program operated by an alternative public 25115  
provider or a registered private provider with a scholarship 25116  
awarded under sections 3310.51 to 3310.63 of the Revised Code; 25117

(6) The combined average daily membership of ~~handicapped~~ 25118  
children with disabilities reported under division (A)(1) or (2) 25119  
of this section receiving special education services for category 25120  
two ~~handicaps~~ disabilities described in division (B) of section 25121  
3317.013 of the Revised Code, including children attending a 25122  
special education program operated by an alternative public 25123  
provider or a registered private provider with a scholarship 25124  
awarded under sections 3310.51 to 3310.63 of the Revised Code; 25125

(7) The combined average daily membership of ~~handicapped~~ 25126  
children with disabilities reported under division (A)(1) or (2) 25127  
of this section receiving special education services for category 25128  
three ~~handicaps~~ disabilities described in division (C) of section 25129  
3317.013 of the Revised Code, including children attending a 25130  
special education program operated by an alternative public 25131  
provider or a registered private provider with a scholarship 25132  
awarded under sections 3310.51 to 3310.63 of the Revised Code; 25133

(8) The combined average daily membership of ~~handicapped~~ 25134  
children with disabilities reported under division (A)(1) or (2) 25135  
of this section receiving special education services for category 25136  
four ~~handicaps~~ disabilities described in division (D) of section 25137  
3317.013 of the Revised Code, including children attending a 25138  
special education program operated by an alternative public 25139  
provider or a registered private provider with a scholarship 25140

awarded under sections 3310.51 to 3310.63 of the Revised Code; 25141

(9) The combined average daily membership of ~~handicapped~~ 25142  
children with disabilities reported under division (A)(1) or (2) 25143  
of this section receiving special education services for the 25144  
category five ~~handicap~~ disabilities described in division (E) of 25145  
section 3317.013 of the Revised Code, including children attending 25146  
a special education program operated by an alternative public 25147  
provider or a registered private provider with a scholarship 25148  
awarded under sections 3310.51 to 3310.63 of the Revised Code; 25149

(10) The combined average daily membership of ~~handicapped~~ 25150  
children with disabilities reported under division (A)(1) or (2) 25151  
and under division (B)(3)(h) of this section receiving special 25152  
education services for category six ~~handicaps~~ disabilities 25153  
described in division (F) of section 3317.013 of the Revised Code, 25154  
including children attending a special education program operated 25155  
by an alternative public provider or a registered private provider 25156  
with a scholarship awarded under either section 3310.41 or 25157  
sections 3310.51 to 3310.63 of the Revised Code; 25158

(11) The average daily membership of pupils reported under 25159  
division (A)(1) or (2) of this section enrolled in category one 25160  
vocational education programs or classes, described in division 25161  
(A) of section 3317.014 of the Revised Code, operated by the 25162  
school district or by another district, other than a joint 25163  
vocational school district, or by an educational service center, 25164  
excluding any student reported under division (B)(3)(e) of this 25165  
section as enrolled in an internet- or computer-based community 25166  
school, notwithstanding division (C) of section 3317.02 of the 25167  
Revised Code and division (C)(3) of this section; 25168

(12) The average daily membership of pupils reported under 25169  
division (A)(1) or (2) of this section enrolled in category two 25170  
vocational education programs or services, described in division 25171  
(B) of section 3317.014 of the Revised Code, operated by the 25172

school district or another school district, other than a joint 25173  
vocational school district, or by an educational service center, 25174  
excluding any student reported under division (B)(3)(e) of this 25175  
section as enrolled in an internet- or computer-based community 25176  
school, notwithstanding division (C) of section 3317.02 of the 25177  
Revised Code and division (C)(3) of this section; 25178

(13) The average number of children transported by the school 25179  
district on board-owned or contractor-owned and -operated buses, 25180  
reported in accordance with rules adopted by the department of 25181  
education; 25182

(14)(a) The number of children, other than ~~handicapped~~ 25183  
preschool children with disabilities, the district placed with a 25184  
county MR/DD board in fiscal year 1998; 25185

(b) The number of ~~handicapped~~ children with disabilities, 25186  
other than ~~handicapped~~ preschool children with disabilities, 25187  
placed with a county MR/DD board in the current fiscal year to 25188  
receive special education services for the category one ~~handicap~~ 25189  
disability described in division (A) of section 3317.013 of the 25190  
Revised Code; 25191

(c) The number of ~~handicapped~~ children with disabilities, 25192  
other than ~~handicapped~~ preschool children with disabilities, 25193  
placed with a county MR/DD board in the current fiscal year to 25194  
receive special education services for category two ~~handicaps~~ 25195  
disabilities described in division (B) of section 3317.013 of the 25196  
Revised Code; 25197

(d) The number of ~~handicapped~~ children with disabilities, 25198  
other than ~~handicapped~~ preschool children with disabilities, 25199  
placed with a county MR/DD board in the current fiscal year to 25200  
receive special education services for category three ~~handicaps~~ 25201  
disabilities described in division (C) of section 3317.013 of the 25202  
Revised Code; 25203

(e) The number of ~~handicapped~~ children with disabilities, 25204  
other than ~~handicapped~~ preschool children with disabilities, 25205  
placed with a county MR/DD board in the current fiscal year to 25206  
receive special education services for category four ~~handicaps~~ 25207  
disabilities described in division (D) of section 3317.013 of the 25208  
Revised Code; 25209

(f) The number of ~~handicapped~~ children with disabilities, 25210  
other than ~~handicapped~~ preschool children with disabilities, 25211  
placed with a county MR/DD board in the current fiscal year to 25212  
receive special education services for the category five ~~handicap~~ 25213  
disabilities described in division (E) of section 3317.013 of the 25214  
Revised Code; 25215

(g) The number of ~~handicapped~~ children with disabilities, 25216  
other than ~~handicapped~~ preschool children with disabilities, 25217  
placed with a county MR/DD board in the current fiscal year to 25218  
receive special education services for category six ~~handicaps~~ 25219  
disabilities described in division (F) of section 3317.013 of the 25220  
Revised Code. 25221

(C)(1) Except as otherwise provided in this section for 25222  
kindergarten students, the average daily membership in divisions 25223  
(B)(1) to (12) of this section shall be based upon the number of 25224  
full-time equivalent students. The state board of education shall 25225  
adopt rules defining full-time equivalent students and for 25226  
determining the average daily membership therefrom for the 25227  
purposes of divisions (A), (B), and (D) of this section. 25228

(2) A student enrolled in a community school established 25229  
under Chapter 3314. of the Revised Code shall be counted in the 25230  
formula ADM and, if applicable, the category one, two, three, 25231  
four, five, or six special education ADM of the school district in 25232  
which the student is entitled to attend school under section 25233  
3313.64 or 3313.65 of the Revised Code for the same proportion of 25234  
the school year that the student is counted in the enrollment of 25235

the community school for purposes of section 3314.08 of the Revised Code. Notwithstanding the number of students reported pursuant to division (B)(3)(d) or (e) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division (D) of this section, except as follows:

(a) A child with a ~~handicap~~ disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school 25268  
district shall certify to the superintendent of public instruction 25269  
on or before the fifteenth day of October in each year for the 25270  
first full school week in October the formula ADM. ~~Beginning in~~ 25271  
~~fiscal year 2007, each superintendent also shall certify to the~~ 25272  
~~state superintendent the formula ADM for the first full week in~~ 25273  
~~February.~~ If a school operated by the joint vocational school 25274  
district is closed for one or more days during that week due to 25275  
hazardous weather conditions or other circumstances described in 25276  
the first paragraph of division (B) of section 3317.01 of the 25277  
Revised Code, the superintendent may apply to the superintendent 25278  
of public instruction for a waiver, under which the superintendent 25279  
of public instruction may exempt the district superintendent from 25280  
certifying the formula ADM for that school for that week and 25281  
specify an alternate week for certifying the formula ADM of that 25282  
school. 25283

The formula ADM, except as otherwise provided in this 25284  
division, shall consist of the average daily membership during 25285  
such week, on an FTE basis, of the number of students receiving 25286  
any educational services from the district, including students 25287  
enrolled in a community school established under Chapter 3314. of 25288  
the Revised Code who are attending the joint vocational district 25289  
under an agreement between the district board of education and the 25290  
governing authority of the community school and are entitled to 25291  
attend school in a city, local, or exempted village school 25292  
district whose territory is part of the territory of the joint 25293  
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 25294  
~~the report submitted for the first week in February, or the~~ 25295  
~~alternative week if specified by the superintendent of public~~ 25296  
~~instruction, the superintendent of the joint vocational school~~ 25297  
~~district may include the number of students reported under~~ 25298  
~~division (D)(1) of this section for the first full week of the~~ 25299  
~~preceding October but who since that week have received high~~ 25300



<del>school diplomas.</del>	25301
The following categories of students shall not be included in	25302
the determination made under division (D)(1) of this section:	25303
(a) Students enrolled in adult education classes;	25304
(b) Adjacent or other district joint vocational students	25305
enrolled in the district under an open enrollment policy pursuant	25306
to section 3313.98 of the Revised Code;	25307
(c) Students receiving services in the district pursuant to a	25308
compact, cooperative education agreement, or a contract, but who	25309
are entitled to attend school in a city, local, or exempted	25310
village school district whose territory is not part of the	25311
territory of the joint vocational district;	25312
(d) Students for whom tuition is payable pursuant to sections	25313
3317.081 and 3323.141 of the Revised Code.	25314
(2) To enable the department of education to obtain the data	25315
needed to complete the calculation of payments pursuant to this	25316
chapter, in addition to the formula ADM, each superintendent shall	25317
report separately the average daily membership included in the	25318
report under division (D)(1) of this section for each of the	25319
following categories of students for the same week for which	25320
formula ADM is certified:	25321
(a) Students enrolled in each grade included in the joint	25322
vocational district schools;	25323
(b) <del>Handicapped children</del> <u>Children with disabilities</u> receiving	25324
special education services for the category one <del>handicap</del>	25325
<u>disability</u> described in division (A) of section 3317.013 of the	25326
Revised Code;	25327
(c) <del>Handicapped children</del> <u>Children with disabilities</u> receiving	25328
special education services for the category two <del>handicaps</del>	25329
<u>disabilities</u> described in division (B) of section 3317.013 of the	25330

Revised Code;	25331
(d) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for category three <del>handicaps</del> <u>disabilities</u> described in division (C) of section 3317.013 of the Revised Code;	25332 25333 25334 25335
(e) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for category four <del>handicaps</del> <u>disabilities</u> described in division (D) of section 3317.013 of the Revised Code;	25336 25337 25338 25339
(f) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for the category five <del>handicap</del> <u>disabilities</u> described in division (E) of section 3317.013 of the Revised Code;	25340 25341 25342 25343
(g) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for category six <del>handicaps</del> <u>disabilities</u> described in division (F) of section 3317.013 of the Revised Code;	25344 25345 25346
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	25347 25348 25349
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	25350 25351 25352
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	25353 25354 25355 25356 25357
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record	25358 25359 25360

shall accurately show, for each day the school is in session, the 25361  
actual membership enrolled in regular day classes. For the purpose 25362  
of determining average daily membership, the membership figure of 25363  
any school shall not include any pupils except those pupils 25364  
described by division (A) of this section. The record of 25365  
membership for each school shall be maintained in such manner that 25366  
no pupil shall be counted as in membership prior to the actual 25367  
date of entry in the school and also in such manner that where for 25368  
any cause a pupil permanently withdraws from the school that pupil 25369  
shall not be counted as in membership from and after the date of 25370  
such withdrawal. There shall not be included in the membership of 25371  
any school any of the following: 25372

(1) Any pupil who has graduated from the twelfth grade of a 25373  
public or nonpublic high school; 25374

(2) Any pupil who is not a resident of the state; 25375

(3) Any pupil who was enrolled in the schools of the district 25376  
during the previous school year when tests were administered under 25377  
section 3301.0711 of the Revised Code but did not take one or more 25378  
of the tests required by that section and was not excused pursuant 25379  
to division (C)(1) or (3) of that section; 25380

(4) Any pupil who has attained the age of twenty-two years, 25381  
except for veterans of the armed services whose attendance was 25382  
interrupted before completing the recognized twelve-year course of 25383  
the public schools by reason of induction or enlistment in the 25384  
armed forces and who apply for reenrollment in the public school 25385  
system of their residence not later than four years after 25386  
termination of war or their honorable discharge. 25387

If, however, any veteran described by division (E)(4) of this 25388  
section elects to enroll in special courses organized for veterans 25389  
for whom tuition is paid under the provisions of federal laws, or 25390  
otherwise, that veteran shall not be included in average daily 25391

membership. 25392

Notwithstanding division (E)(3) of this section, the 25393  
membership of any school may include a pupil who did not take a 25394  
test required by section 3301.0711 of the Revised Code if the 25395  
superintendent of public instruction grants a waiver from the 25396  
requirement to take the test to the specific pupil and a parent is 25397  
not paying tuition for the pupil pursuant to section 3313.6410 of 25398  
the Revised Code. The superintendent may grant such a waiver only 25399  
for good cause in accordance with rules adopted by the state board 25400  
of education. 25401

Except as provided in divisions (B)(2) and (F) of this 25402  
section, the average daily membership figure of any local, city, 25403  
exempted village, or joint vocational school district shall be 25404  
determined by dividing the figure representing the sum of the 25405  
number of pupils enrolled during each day the school of attendance 25406  
is actually open for instruction during the week for which the 25407  
formula ADM is being certified by the total number of days the 25408  
school was actually open for instruction during that week. For 25409  
purposes of state funding, "enrolled" persons are only those 25410  
pupils who are attending school, those who have attended school 25411  
during the current school year and are absent for authorized 25412  
reasons, and those ~~handicapped~~ children with disabilities 25413  
currently receiving home instruction. 25414

The average daily membership figure of any cooperative 25415  
education school district shall be determined in accordance with 25416  
rules adopted by the state board of education. 25417

(F)(1) If the formula ADM for the first full school week in 25418  
February is at least three per cent greater than that certified 25419  
for the first full school week in the preceding October, the 25420  
superintendent of schools of any city, exempted village, or joint 25421  
vocational school district or educational service center shall 25422  
certify such increase to the superintendent of public instruction. 25423

Such certification shall be submitted no later than the fifteenth 25424  
day of February. For the balance of the fiscal year, beginning 25425  
with the February payments, the superintendent of public 25426  
instruction shall use the increased formula ADM in calculating or 25427  
recalculating the amounts to be allocated in accordance with 25428  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 25429  
the superintendent use an increased membership certified to the 25430  
superintendent after the fifteenth day of February. ~~Division~~ 25431  
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 25432

(2) If on the first school day of April the total number of 25433  
classes or units for ~~handicapped~~ preschool children with 25434  
disabilities that are eligible for approval under division (B) of 25435  
section 3317.05 of the Revised Code exceeds the number of units 25436  
that have been approved for the year under that division, the 25437  
superintendent of schools of any city, exempted village, or 25438  
cooperative education school district or educational service 25439  
center shall make the certifications required by this section for 25440  
that day. If the department determines additional units can be 25441  
approved for the fiscal year within any limitations set forth in 25442  
the acts appropriating moneys for the funding of such units, the 25443  
department shall approve additional units for the fiscal year on 25444  
the basis of such average daily membership. For each unit so 25445  
approved, the department shall pay an amount computed in the 25446  
manner prescribed in section 3317.052 or 3317.19 and section 25447  
3317.053 of the Revised Code. 25448

(3) If a student attending a community school under Chapter 25449  
3314. of the Revised Code is not included in the formula ADM 25450  
certified for the school district in which the student is entitled 25451  
to attend school under section 3313.64 or 3313.65 of the Revised 25452  
Code, the department of education shall adjust the formula ADM of 25453  
that school district to include the community school student in 25454  
accordance with division (C)(2) of this section, and shall 25455

recalculate the school district's payments under this chapter for 25456  
the entire fiscal year on the basis of that adjusted formula ADM. 25457  
This requirement applies regardless of whether the student was 25458  
enrolled, as defined in division (E) of this section, in the 25459  
community school during the week for which the formula ADM is 25460  
being certified. 25461

(4) If a student awarded an educational choice scholarship is 25462  
not included in the formula ADM of the school district from which 25463  
the department deducts funds for the scholarship under section 25464  
3310.08 of the Revised Code, the department shall adjust the 25465  
formula ADM of that school district to include the student to the 25466  
extent necessary to account for the deduction, and shall 25467  
recalculate the school district's payments under this chapter for 25468  
the entire fiscal year on the basis of that adjusted formula ADM. 25469  
This requirement applies regardless of whether the student was 25470  
enrolled, as defined in division (E) of this section, in the 25471  
chartered nonpublic school, the school district, or a community 25472  
school during the week for which the formula ADM is being 25473  
certified. 25474

(G)(1)~~(a)~~ The superintendent of an institution operating a 25475  
special education program pursuant to section 3323.091 of the 25476  
Revised Code shall, for the programs under such superintendent's 25477  
supervision, certify to the state board of education, in the 25478  
manner prescribed by the superintendent of public instruction, 25479  
both of the following: 25480

~~(i)~~(a) The average daily membership of all ~~handicapped~~ 25481  
children with disabilities other than ~~handicapped~~ preschool 25482  
children with disabilities receiving services at the institution 25483  
for each category of ~~handicap~~ disability described in divisions 25484  
(A) to (F) of section 3317.013 of the Revised Code; 25485

~~(ii)~~(b) The average daily membership of all ~~handicapped~~ 25486  
preschool children with disabilities in classes or programs 25487

approved annually by the department of education for unit funding 25488  
under section 3317.05 of the Revised Code. 25489

~~(b) The superintendent of an institution with vocational 25490  
education units approved under division (A) of section 3317.05 of 25491  
the Revised Code shall, for the units under the superintendent's 25492  
supervision, certify to the state board of education the average 25493  
daily membership in those units, in the manner prescribed by the 25494  
superintendent of public instruction. 25495~~

(2) The superintendent of each county MR/DD board that 25496  
maintains special education classes under section 3317.20 of the 25497  
Revised Code or units approved pursuant to section 3317.05 of the 25498  
Revised Code shall do both of the following: 25499

(a) Certify to the state board, in the manner prescribed by 25500  
the board, the average daily membership in classes under section 25501  
3317.20 of the Revised Code for each school district that has 25502  
placed children in the classes; 25503

(b) Certify to the state board, in the manner prescribed by 25504  
the board, the number of all ~~handicapped~~ preschool children with 25505  
disabilities enrolled as of the first day of December in classes 25506  
eligible for approval under division (B) of section 3317.05 of the 25507  
Revised Code, and the number of those classes. 25508

(3)(a) If on the first school day of April the number of 25509  
classes or units maintained for ~~handicapped~~ preschool children 25510  
with disabilities by the county MR/DD board that are eligible for 25511  
approval under division (B) of section 3317.05 of the Revised Code 25512  
is greater than the number of units approved for the year under 25513  
that division, the superintendent shall make the certification 25514  
required by this section for that day. 25515

(b) If the department determines that additional classes or 25516  
units can be approved for the fiscal year within any limitations 25517  
set forth in the acts appropriating moneys for the funding of the 25518

classes and units described in division (G)(3)(a) of this section, 25519  
the department shall approve and fund additional units for the 25520  
fiscal year on the basis of such average daily membership. For 25521  
each unit so approved, the department shall pay an amount computed 25522  
in the manner prescribed in sections 3317.052 and 3317.053 of the 25523  
Revised Code. 25524

(H) Except as provided in division (I) of this section, when 25525  
any city, local, or exempted village school district provides 25526  
instruction for a nonresident pupil whose attendance is 25527  
unauthorized attendance as defined in section 3327.06 of the 25528  
Revised Code, that pupil's membership shall not be included in 25529  
that district's membership figure used in the calculation of that 25530  
district's formula ADM or included in the determination of any 25531  
unit approved for the district under section 3317.05 of the 25532  
Revised Code. The reporting official shall report separately the 25533  
average daily membership of all pupils whose attendance in the 25534  
district is unauthorized attendance, and the membership of each 25535  
such pupil shall be credited to the school district in which the 25536  
pupil is entitled to attend school under division (B) of section 25537  
3313.64 or section 3313.65 of the Revised Code as determined by 25538  
the department of education. 25539

(I)(1) A city, local, exempted village, or joint vocational 25540  
school district admitting a scholarship student of a pilot project 25541  
district pursuant to division (C) of section 3313.976 of the 25542  
Revised Code may count such student in its average daily 25543  
membership. 25544

(2) In any year for which funds are appropriated for pilot 25545  
project scholarship programs, a school district implementing a 25546  
state-sponsored pilot project scholarship program that year 25547  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 25548  
count in average daily membership: 25549

(a) All children residing in the district and utilizing a 25550



scholarship to attend kindergarten in any alternative school, as 25551  
defined in section 3313.974 of the Revised Code; 25552

(b) All children who were enrolled in the district in the 25553  
preceding year who are utilizing a scholarship to attend any such 25554  
alternative school. 25555

(J) The superintendent of each cooperative education school 25556  
district shall certify to the superintendent of public 25557  
instruction, in a manner prescribed by the state board of 25558  
education, the applicable average daily memberships for all 25559  
students in the cooperative education district, also indicating 25560  
the city, local, or exempted village district where each pupil is 25561  
entitled to attend school under section 3313.64 or 3313.65 of the 25562  
Revised Code. 25563

(K) If the superintendent of public instruction determines 25564  
that a component of the formula ADM certified or reported by a 25565  
district superintendent, or other reporting entity, is not 25566  
correct, the superintendent of public instruction may order that 25567  
the formula ADM used for the purposes of payments under any 25568  
section of Title XXXVIII of the Revised Code be adjusted in the 25569  
amount of the error. 25570

**Sec. 3317.031.** A membership record shall be kept by grade 25571  
level in each city, local, exempted village, joint vocational, and 25572  
cooperative education school district and such a record shall be 25573  
kept by grade level in each educational service center that 25574  
provides academic instruction to pupils, classes for ~~handicapped~~ 25575  
pupils with disabilities, or any other direct instructional 25576  
services to pupils. Such membership record shall show the 25577  
following information for each pupil enrolled: Name, date of 25578  
birth, name of parent, date entered school, date withdrawn from 25579  
school, days present, days absent, and the number of days school 25580  
was open for instruction while the pupil was enrolled. At the end 25581

of the school year this membership record shall show the total 25582  
days present, the total days absent, and the total days due for 25583  
all pupils in each grade. Such membership record shall show the 25584  
pupils that are transported to and from school and it shall also 25585  
show the pupils that are transported living within one mile of the 25586  
school attended. This membership record shall also show any other 25587  
information prescribed by the state board of education. 25588

This membership record shall be kept intact for at least five 25589  
years and shall be made available to the state board of education 25590  
or its representative in making an audit of the average daily 25591  
membership or the transportation of the district or educational 25592  
service center. The membership records of local school districts 25593  
shall be filed at the close of each school year in the office of 25594  
the educational service center superintendent. 25595

The state board of education may withhold any money due any 25596  
school district or educational service center under sections 25597  
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19 of 25598  
the Revised Code until it has satisfactory evidence that the board 25599  
of education or educational service center governing board has 25600  
fully complied with all of the provisions of this section. 25601

Nothing in this section shall require any person to release, 25602  
or to permit access to, public school records in violation of 25603  
section 3319.321 of the Revised Code. 25604

**Sec. 3317.032.** (A) Each city, local, exempted village, and 25605  
cooperative education school district, each educational service 25606  
center, each county MR/DD board, and each institution operating a 25607  
special education program pursuant to section 3323.091 of the 25608  
Revised Code shall, in accordance with procedures adopted by the 25609  
state board of education, maintain a record of district membership 25610  
of both of the following: 25611

(1) All ~~handicapped~~ preschool children with disabilities in 25612

units approved under division (B) of section 3317.05 of the Revised Code; 25613  
25614

(2) All ~~handicapped~~ preschool children with disabilities who are not in units approved under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program. 25615  
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(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all ~~handicapped~~ preschool children with disabilities whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under section 3317.11 of the Revised Code. 25619  
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**Sec. 3317.04.** The amount paid to school districts in each fiscal year under Chapter 3317. of the Revised Code shall not be less than the following: 25628  
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(A) In the case of a district created under section 3311.26 or 3311.37 of the Revised Code, the amount paid shall not be less, in any of the three succeeding fiscal years following the creation, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the creation. 25631  
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(B) In the case of a school district which is transferred to another school district or districts, pursuant to section 3311.22, 3311.231, or 3311.38 of the Revised Code, the amount paid to the district accepting the transferred territory shall not be less, in any of the three succeeding fiscal years following the transfer, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the 25637  
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consummation of the transfer. 25644

~~(C) In the case of any school district, the amount paid under 25645  
Chapter 3317. of the Revised Code to the district in the fiscal 25646  
year of distribution shall not be less than that paid under such 25647  
chapter in the preceding fiscal year, less any amount paid in that 25648  
preceding fiscal year under section 3317.0216 of the Revised Code, 25649  
if in the calendar year ending the thirty first day of December 25650  
preceding the fiscal year of distribution, the county auditor of 25651  
the county to which the district has been assigned by the 25652  
department of education for administrative purposes has completed 25653  
reassessment of all real estate within the county, or the tax 25654  
duplicate of that county was increased by the application of a 25655  
uniform taxable value per cent of true value pursuant to a rule or 25656  
order of the tax commissioner and the revised valuations were 25657  
entered on the tax list and duplicate. Notwithstanding sections 25658  
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 25659  
Code, this minimum guarantee is applicable only during the fiscal 25660  
year immediately following the reassessment or application. 25661~~

~~(D) In the case of any school district that has territory in 25662  
three or more counties, each of which contains at least twenty per 25663  
cent of the district's territory, the amount paid under Chapter 25664  
3317. of the Revised Code to the district in the fiscal year of 25665  
distribution shall not be less than that paid under such chapter 25666  
in the preceding fiscal year, less any amount paid in that 25667  
preceding fiscal year under section 3317.0216 of the Revised Code, 25668  
if in the calendar year ending the thirty first day of December 25669  
preceding the fiscal year of distribution, the county auditor of 25670  
any such county completed reassessment of all real estate within 25671  
the county, or the tax duplicate of any such county was increased 25672  
by the application of a uniform taxable value per cent of true 25673  
value pursuant to a rule or order of the tax commissioner and the 25674  
revised valuations were entered on the tax list and duplicate. 25675~~

~~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.~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, the minimum guarantees prescribed by divisions (A) and (B) of this section shall not affect the amount of aid received by a school district for more than three consecutive years.

**Sec. 3317.05.** (A) For The department of education shall assign units under this division until July 1, 2007.

For the purpose of calculating payments under sections 3317.052 and 3317.053 of the Revised Code, the department of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the department on the basis of standards and rules adopted by the state board of education. As used in this division, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides vocational education programs under the supervision of the division of vocational education of the department that meet the standards and rules for these programs, including licensure of professional staff involved in the programs, as established by the state board.

(B) For the purpose of calculating payments under sections 3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the department shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each educational service center, for each school district, including each cooperative education school

district, for each institution eligible for payment under section 25707  
3323.091 of the Revised Code, and for each county MR/DD board: the 25708  
number of classes operated by the school district, service center, 25709  
institution, or county MR/DD board for ~~handicapped~~ preschool 25710  
children with disabilities, or fraction thereof, including in the 25711  
case of a district or service center that is a funding agent, 25712  
classes taught by a licensed teacher employed by that district or 25713  
service center under section 3313.841 of the Revised Code, 25714  
approved annually by the department on the basis of standards and 25715  
rules adopted by the state board. 25716

(C) For the purpose of calculating payments under sections 25717  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25718  
department shall determine, based on information certified under 25719  
section 3317.03 of the Revised Code, the following by the last day 25720  
of January of each year for each school district, including each 25721  
cooperative education school district, for each institution 25722  
eligible for payment under section 3323.091 of the Revised Code, 25723  
and for each county MR/DD board: the number of ~~preschool~~ 25724  
~~handicapped~~ units for related services, as defined in section 25725  
3323.01 of the Revised Code, for preschool children with 25726  
disabilities approved annually by the department on the basis of 25727  
standards and rules adopted by the state board. 25728

(D) All of the arithmetical calculations made under this 25729  
section shall be carried to the second decimal place. The total 25730  
number of units for school districts, service centers, and 25731  
institutions approved annually under this section shall not exceed 25732  
the number of units included in the estimate of cost for these 25733  
units and appropriations made for them by the general assembly. 25734

In the case of ~~handicapped preschool~~ units for preschool 25735  
children with disabilities described in division (B) of this 25736  
section, the department shall approve only preschool units for 25737  
children who are under age six on the thirtieth day of September 25738

of the academic year, or on the first day of August of the 25739  
academic year if the school district in which the child is 25740  
enrolled has adopted a resolution under division (A)(3) of section 25741  
3321.01 of the Revised Code, but not less than age three on the 25742  
first day of December of the academic year, except that such a 25743  
unit may include one or more children who are under age three or 25744  
are age six or over on the applicable date, as reported under 25745  
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 25746  
Code, if such children have been admitted to the unit pursuant to 25747  
rules of the state board. The number of units for county MR/DD 25748  
boards and institutions eligible for payment under section 25749  
3323.091 of the Revised Code approved under this section shall not 25750  
exceed the number that can be funded with appropriations made for 25751  
such purposes by the general assembly. 25752

No unit shall be approved under divisions (B) and (C) of this 25753  
section unless a plan has been submitted and approved under 25754  
Chapter 3323. of the Revised Code. 25755

(E) The department shall approve units or fractions thereof 25756  
for gifted children on the basis of standards and rules adopted by 25757  
the state board. 25758

**Sec. 3317.051.** (A)(1) Notwithstanding sections 3317.05 and 25759  
3317.11 of the Revised Code, a unit funded pursuant to division 25760  
(L) of section 3317.024 or division (A)(2) of section 3317.052 of 25761  
the Revised Code shall not be approved for state funding in one 25762  
school district, including any cooperative education school 25763  
district or any educational service center, to the extent that 25764  
such unit provides programs in or services to another district 25765  
which receives payment pursuant to section 3317.04 of the Revised 25766  
Code. 25767

(2) Any city, local, exempted village, or cooperative 25768  
education school district or any educational service center may 25769

combine partial unit eligibility for ~~handicapped preschool~~ 25770  
programs for preschool children with disabilities pursuant to 25771  
section 3317.05 of the Revised Code, and such combined partial 25772  
units may be approved for state funding in one school district or 25773  
service center. 25774

(B) After units have been initially approved for any fiscal 25775  
year under section 3317.05 of the Revised Code, no unit shall be 25776  
subsequently transferred from a school district or educational 25777  
service center to another city, exempted village, local, or 25778  
cooperative education school district or educational service 25779  
center or to an institution or county MR/DD board solely for the 25780  
purpose of reducing the financial obligations of the school 25781  
district in a fiscal year it receives payment pursuant to section 25782  
3317.04 of the Revised Code. 25783

**Sec. 3317.052.** As used in this section, "institution" means 25784  
an institution operated by a department specified in division (A) 25785  
of section 3323.091 of the Revised Code. 25786

(A)(1) The department of education shall pay each school 25787  
district, educational service center, institution eligible for 25788  
payment under section 3323.091 of the Revised Code, or county 25789  
MR/DD board an amount for the total of all classroom units for 25790  
~~handicapped~~ preschool children with disabilities approved under 25791  
division (B) of section 3317.05 of the Revised Code. For each 25792  
unit, the amount shall be the sum of the minimum salary for the 25793  
teacher of the unit, calculated on the basis of the teacher's 25794  
training level and years of experience pursuant to the salary 25795  
schedule prescribed in the version of section 3317.13 of the 25796  
Revised Code in effect prior to July 1, 2001, plus fifteen per 25797  
cent of that minimum salary amount, and eight thousand 25798  
twenty-three dollars. 25799

(2) The department shall pay each school district, 25800



educational service center, institution eligible for payment under 25801  
section 3323.091 of the Revised Code, or county MR/DD board an 25802  
amount for the total of all related services units for ~~handicapped~~ 25803  
preschool children with disabilities approved under division (C) 25804  
of section 3317.05 of the Revised Code. For each such unit, the 25805  
amount shall be the sum of the minimum salary for the teacher of 25806  
the unit calculated on the basis of the teacher's training level 25807  
and years of experience pursuant to the salary schedule prescribed 25808  
in the version of section 3317.13 of the Revised Code in effect 25809  
prior to July 1, 2001, fifteen per cent of that minimum salary 25810  
amount, and two thousand one hundred thirty-two dollars. 25811

(B) If a school district, educational service center, or 25812  
county MR/DD board has had additional ~~handicapped preschool~~ units 25813  
for preschool children with disabilities approved for the year 25814  
under division (F)(2) or (G)(3) of section 3317.03 of the Revised 25815  
Code, the district, educational service center, or board shall 25816  
receive an additional amount during the last half of the fiscal 25817  
year. For each district, center, or board, the additional amount 25818  
for each unit shall equal fifty per cent of the amounts computed 25819  
for the unit in the manner prescribed by division (A) of this 25820  
section and division (C) of section 3317.053 of the Revised Code. 25821

(C) The department ~~shall~~ may pay each institution approved 25822  
for vocational education ~~units under division (A) of section~~ 25823  
~~3317.05 of the Revised Code an amount for the total of all the~~ 25824  
~~units approved under that division. The amount for each unit shall~~ 25825  
~~be the sum of the minimum salary for the teacher of the unit,~~ 25826  
~~calculated on the basis of the teacher's training level and years~~ 25827  
~~of experience pursuant to the salary schedule prescribed in the~~ 25828  
~~version of section 3317.13 of the Revised Code in effect prior to~~ 25829  
~~July 1, 2001, plus fifteen per cent of that minimum salary amount,~~ 25830  
~~and nine thousand five hundred ten dollars~~ a grant amount based on 25831  
the institution's submission of a comprehensive plan for a program 25832

to provide vocational education services. Each institution that 25833  
receives ~~units funds~~ a grant under this division annually shall 25834  
report to the department on the delivery of services and the 25835  
performance of students and any other information required by the 25836  
department to evaluate the institution's vocational education 25837  
program. 25838

**Sec. 3317.06.** Moneys paid to school districts under division 25839  
(I) of section 3317.024 of the Revised Code shall be used for the 25840  
following independent and fully severable purposes: 25841

(A) To purchase such secular textbooks or electronic 25842  
textbooks as have been approved by the superintendent of public 25843  
instruction for use in public schools in the state and to loan 25844  
such textbooks or electronic textbooks to pupils attending 25845  
nonpublic schools within the district or to their parents and to 25846  
hire clerical personnel to administer such lending program. Such 25847  
loans shall be based upon individual requests submitted by such 25848  
nonpublic school pupils or parents. Such requests shall be 25849  
submitted to the school district in which the nonpublic school is 25850  
located. Such individual requests for the loan of textbooks or 25851  
electronic textbooks shall, for administrative convenience, be 25852  
submitted by the nonpublic school pupil or the pupil's parent to 25853  
the nonpublic school, which shall prepare and submit collective 25854  
summaries of the individual requests to the school district. As 25855  
used in this section: 25856

(1) "Textbook" means any book or book substitute that a pupil 25857  
uses as a consumable or nonconsumable text, text substitute, or 25858  
text supplement in a particular class or program in the school the 25859  
pupil regularly attends. 25860

(2) "Electronic textbook" means computer software, 25861  
interactive videodisc, magnetic media, CD-ROM, computer 25862  
courseware, local and remote computer assisted instruction, 25863

on-line service, electronic medium, or other means of conveying 25864  
information to the student or otherwise contributing to the 25865  
learning process through electronic means. 25866

(B) To provide speech and hearing diagnostic services to 25867  
pupils attending nonpublic schools within the district. Such 25868  
service shall be provided in the nonpublic school attended by the 25869  
pupil receiving the service. 25870

(C) To provide physician, nursing, dental, and optometric 25871  
services to pupils attending nonpublic schools within the 25872  
district. Such services shall be provided in the school attended 25873  
by the nonpublic school pupil receiving the service. 25874

(D) To provide diagnostic psychological services to pupils 25875  
attending nonpublic schools within the district. Such services 25876  
shall be provided in the school attended by the pupil receiving 25877  
the service. 25878

(E) To provide therapeutic psychological and speech and 25879  
hearing services to pupils attending nonpublic schools within the 25880  
district. Such services shall be provided in the public school, in 25881  
nonpublic schools, in public centers, or in mobile units located 25882  
on or off of the nonpublic premises. If such services are provided 25883  
in the public school or in public centers, transportation to and 25884  
from such facilities shall be provided by the school district in 25885  
which the nonpublic school is located. 25886

(F) To provide guidance ~~and~~, counseling, and social work 25887  
services to pupils attending nonpublic schools within the 25888  
district. Such services shall be provided in the public school, in 25889  
nonpublic schools, in public centers, or in mobile units located 25890  
on or off of the nonpublic premises. If such services are provided 25891  
in the public school or in public centers, transportation to and 25892  
from such facilities shall be provided by the school district in 25893  
which the nonpublic school is located. 25894

(G) To provide remedial services to pupils attending 25895  
nonpublic schools within the district. Such services shall be 25896  
provided in the public school, in nonpublic schools, in public 25897  
centers, or in mobile units located on or off of the nonpublic 25898  
premises. If such services are provided in the public school or in 25899  
public centers, transportation to and from such facilities shall 25900  
be provided by the school district in which the nonpublic school 25901  
is located. 25902

(H) To supply for use by pupils attending nonpublic schools 25903  
within the district such standardized tests and scoring services 25904  
as are in use in the public schools of the state; 25905

(I) To provide programs for children who attend nonpublic 25906  
schools within the district and are ~~handicapped~~ children with 25907  
disabilities as defined in ~~division (A)~~ of section 3323.01 of the 25908  
Revised Code or gifted children. Such programs shall be provided 25909  
in the public school, in nonpublic schools, in public centers, or 25910  
in mobile units located on or off of the nonpublic premises. If 25911  
such programs are provided in the public school or in public 25912  
centers, transportation to and from such facilities shall be 25913  
provided by the school district in which the nonpublic school is 25914  
located. 25915

(J) To hire clerical personnel to assist in the 25916  
administration of programs pursuant to divisions (B), (C), (D), 25917  
(E), (F), (G), and (I) of this section and to hire supervisory 25918  
personnel to supervise the providing of services and textbooks 25919  
pursuant to this section. 25920

(K) To purchase or lease any secular, neutral, and 25921  
nonideological computer software (including site-licensing), 25922  
prerecorded video laserdiscs, digital video on demand (DVD), 25923  
compact discs, and video cassette cartridges, wide area 25924  
connectivity and related technology as it relates to internet 25925  
access, mathematics or science equipment and materials, 25926

instructional materials, and school library materials that are in 25927  
general use in the public schools of the state and loan such items 25928  
to pupils attending nonpublic schools within the district or to 25929  
their parents, and to hire clerical personnel to administer the 25930  
lending program. Only such items that are incapable of diversion 25931  
to religious use and that are susceptible of loan to individual 25932  
pupils and are furnished for the use of individual pupils shall be 25933  
purchased and loaned under this division. As used in this section, 25934  
"instructional materials" means prepared learning materials that 25935  
are secular, neutral, and nonideological in character and are of 25936  
benefit to the instruction of school children, and may include 25937  
educational resources and services developed by the eTech Ohio 25938  
commission. 25939

(L) To purchase or lease instructional equipment, including 25940  
computer hardware and related equipment in general use in the 25941  
public schools of the state, for use by pupils attending nonpublic 25942  
schools within the district and to loan such items to pupils 25943  
attending nonpublic schools within the district or to their 25944  
parents, and to hire clerical personnel to administer the lending 25945  
program. 25946

(M) To purchase mobile units to be used for the provision of 25947  
services pursuant to divisions (E), (F), (G), and (I) of this 25948  
section and to pay for necessary repairs and operating costs 25949  
associated with these units. 25950

(N) To reimburse costs the district incurred to store the 25951  
records of a chartered nonpublic school that closes. 25952  
Reimbursements under this division shall be made one time only for 25953  
each chartered nonpublic school that closes. 25954

Clerical and supervisory personnel hired pursuant to division 25955  
(J) of this section shall perform their services in the public 25956  
schools, in nonpublic schools, public centers, or mobile units 25957  
where the services are provided to the nonpublic school pupil, 25958

except that such personnel may accompany pupils to and from the 25959  
service sites when necessary to ensure the safety of the children 25960  
receiving the services. 25961

All services provided pursuant to this section may be 25962  
provided under contract with educational service centers, the 25963  
department of health, city or general health districts, or private 25964  
agencies whose personnel are properly licensed by an appropriate 25965  
state board or agency. 25966

Transportation of pupils provided pursuant to divisions (E), 25967  
(F), (G), and (I) of this section shall be provided by the school 25968  
district from its general funds and not from moneys paid to it 25969  
under division (I) of section 3317.024 of the Revised Code unless 25970  
a special transportation request is submitted by the parent of the 25971  
child receiving service pursuant to such divisions. If such an 25972  
application is presented to the school district, it may pay for 25973  
the transportation from moneys paid to it under division (I) of 25974  
section 3317.024 of the Revised Code. 25975

No school district shall provide health or remedial services 25976  
to nonpublic school pupils as authorized by this section unless 25977  
such services are available to pupils attending the public schools 25978  
within the district. 25979

Materials, equipment, computer hardware or software, 25980  
textbooks, electronic textbooks, and health and remedial services 25981  
provided for the benefit of nonpublic school pupils pursuant to 25982  
this section and the admission of pupils to such nonpublic schools 25983  
shall be provided without distinction as to race, creed, color, or 25984  
national origin of such pupils or of their teachers. 25985

No school district shall provide services, materials, or 25986  
equipment that contain religious content for use in religious 25987  
courses, devotional exercises, religious training, or any other 25988  
religious activity. 25989

As used in this section, "parent" includes a person standing 25990  
in loco parentis to a child. 25991

Notwithstanding section 3317.01 of the Revised Code, payments 25992  
shall be made under this section to any city, local, or exempted 25993  
village school district within which is located one or more 25994  
nonpublic elementary or high schools and any payments made to 25995  
school districts under division (I) of section 3317.024 of the 25996  
Revised Code for purposes of this section may be disbursed without 25997  
submission to and approval of the controlling board. 25998

The allocation of payments for materials, equipment, 25999  
textbooks, electronic textbooks, health services, and remedial 26000  
services to city, local, and exempted village school districts 26001  
shall be on the basis of the state board of education's estimated 26002  
annual average daily membership in nonpublic elementary and high 26003  
schools located in the district. 26004

Payments made to city, local, and exempted village school 26005  
districts under this section shall be equal to specific 26006  
appropriations made for the purpose. All interest earned by a 26007  
school district on such payments shall be used by the district for 26008  
the same purposes and in the same manner as the payments may be 26009  
used. 26010

The department of education shall adopt guidelines and 26011  
procedures under which such programs and services shall be 26012  
provided, under which districts shall be reimbursed for 26013  
administrative costs incurred in providing such programs and 26014  
services, and under which any unexpended balance of the amounts 26015  
appropriated by the general assembly to implement this section may 26016  
be transferred to the auxiliary services personnel unemployment 26017  
compensation fund established pursuant to section 4141.47 of the 26018  
Revised Code. The department shall also adopt guidelines and 26019  
procedures limiting the purchase and loan of the items described 26020  
in division (K) of this section to items that are in general use 26021

in the public schools of the state, that are incapable of 26022  
diversion to religious use, and that are susceptible to individual 26023  
use rather than classroom use. Within thirty days after the end of 26024  
each biennium, each board of education shall remit to the 26025  
department all moneys paid to it under division (I) of section 26026  
3317.024 of the Revised Code and any interest earned on those 26027  
moneys that are not required to pay expenses incurred under this 26028  
section during the biennium for which the money was appropriated 26029  
and during which the interest was earned. If a board of education 26030  
subsequently determines that the remittal of moneys leaves the 26031  
board with insufficient money to pay all valid expenses incurred 26032  
under this section during the biennium for which the remitted 26033  
money was appropriated, the board may apply to the department of 26034  
education for a refund of money, not to exceed the amount of the 26035  
insufficiency. If the department determines the expenses were 26036  
lawfully incurred and would have been lawful expenditures of the 26037  
refunded money, it shall certify its determination and the amount 26038  
of the refund to be made to the director of job and family 26039  
services who shall make a refund as provided in section 4141.47 of 26040  
the Revised Code. 26041

Each school district shall label materials, equipment, 26042  
computer hardware or software, textbooks, and electronic textbooks 26043  
purchased or leased for loan to a nonpublic school under this 26044  
section, acknowledging that they were purchased or leased with 26045  
state funds under this section. However, a district need not label 26046  
materials, equipment, computer hardware or software, textbooks, or 26047  
electronic textbooks that the district determines are consumable 26048  
in nature or have a value of less than two hundred dollars. 26049

**Sec. 3317.063.** The superintendent of public instruction, in 26050  
accordance with rules adopted by the department of education, 26051  
shall annually reimburse each chartered nonpublic school for the 26052  
actual mandated service administrative and clerical costs incurred 26053



by such school during the preceding school year in preparing, 26054  
maintaining, and filing reports, forms, and records, and in 26055  
providing such other administrative and clerical services that are 26056  
not an integral part of the teaching process as may be required by 26057  
state law or rule or by requirements duly promulgated by city, 26058  
exempted village, or local school districts. The mandated service 26059  
costs reimbursed pursuant to this section shall include, but are 26060  
not limited to, the preparation, filing and maintenance of forms, 26061  
reports, or records and other clerical and administrative services 26062  
relating to state chartering or approval of the nonpublic school, 26063  
pupil attendance, pupil health and health testing, transportation 26064  
of pupils, federally funded education programs, pupil appraisal, 26065  
pupil progress, educator licensure, unemployment and workers' 26066  
compensation, transfer of pupils, and such other education related 26067  
data which are now or hereafter shall be required of such 26068  
nonpublic school by state law or rule, or by requirements of the 26069  
state department of education, other state agencies, or city, 26070  
exempted village, or local school districts. 26071

The reimbursement required by this section shall be for 26072  
school years beginning on or after July 1, 1981. 26073

Each nonpublic school which seeks reimbursement pursuant to 26074  
this section shall submit to the superintendent of public 26075  
instruction an application together with such additional reports 26076  
and documents as the department of education may require. Such 26077  
application, reports, and documents shall contain such information 26078  
as the department of education may prescribe in order to carry out 26079  
the purposes of this section. No payment shall be made until the 26080  
superintendent of public instruction has approved such 26081  
application. 26082

Each nonpublic school which applies for reimbursement 26083  
pursuant to this section shall maintain a separate account or 26084  
system of accounts for the expenses incurred in rendering the 26085

required services for which reimbursement is sought. Such accounts 26086  
shall contain such information as is required by the department of 26087  
education and shall be maintained in accordance with rules adopted 26088  
by the department of education. 26089

Reimbursement payments to a nonpublic school pursuant to this 26090  
section shall not exceed an amount for each school year equal to 26091  
~~two~~ three hundred ~~seventy-five~~ dollars per pupil enrolled in that 26092  
nonpublic school. 26093

The superintendent of public instruction may, from time to 26094  
time, examine any and all accounts and records of a nonpublic 26095  
school which have been maintained pursuant to this section in 26096  
support of an application for reimbursement, for the purpose of 26097  
determining the costs to such school of rendering the services for 26098  
which reimbursement is sought. If after such audit it is 26099  
determined that any school has received funds in excess of the 26100  
actual cost of providing such services, said school shall 26101  
immediately reimburse the state in such excess amount. 26102

Any payments made to chartered nonpublic schools under this 26103  
section may be disbursed without submission to and approval of the 26104  
controlling board. 26105

**Sec. 3317.07.** The state board of education shall establish 26106  
rules for the purpose of distributing subsidies for the purchase 26107  
of school buses under division (D) of section 3317.024 of the 26108  
Revised Code. 26109

No school bus subsidy payments shall be paid to any district 26110  
unless such district can demonstrate that pupils residing more 26111  
than one mile from the school could not be transported without 26112  
such additional aid. 26113

The amount paid to a county MR/DD board for buses purchased 26114  
for transportation of children in special education programs 26115

operated by the board shall be based on a per pupil allocation for 26116  
eligible students. 26117

The amount paid to a school district for buses purchased for 26118  
transportation of ~~handicapped~~ pupils with disabilities and 26119  
nonpublic school pupils shall be determined by a per pupil 26120  
allocation based on the number of special education and nonpublic 26121  
school pupils for whom transportation is provided. 26122

The state board of education shall adopt a formula to 26123  
determine the amount of payments that shall be distributed to 26124  
school districts to purchase school buses for pupils other than 26125  
~~handicapped~~ pupils with disabilities or nonpublic school pupils. 26126

If any district or MR/DD board obtains bus services for pupil 26127  
transportation pursuant to a contract, such district or board may 26128  
use payments received under this section to defray the costs of 26129  
contracting for bus services in lieu of for purchasing buses. 26130

If the department of education determines that a county MR/DD 26131  
board no longer needs a school bus because the board no longer 26132  
transports children to a special education program operated by the 26133  
board, or if the department determines that a school district no 26134  
longer needs a school bus to transport pupils to a nonpublic 26135  
school or special education program, the department may reassign a 26136  
bus that was funded with payments provided pursuant to this 26137  
section for the purpose of transporting such pupils. The 26138  
department may reassign a bus to a county MR/DD board or school 26139  
district that transports children to a special education program 26140  
designated in the children's individualized education plans, or to 26141  
a school district that transports pupils to a nonpublic school, 26142  
and needs an additional school bus. 26143

**Sec. 3317.08.** A board of education may admit to its schools a 26144  
child it is not required by section 3313.64 or 3313.65 of the 26145  
Revised Code to admit, if tuition is paid for the child. 26146

Unless otherwise provided by law, tuition shall be computed 26147  
in accordance with this section. A district's tuition charge for a 26148  
school year shall be one of the following: 26149

(A) For any child, except a ~~handicapped~~ preschool child with 26150  
a disability described in division (B) of this section, the 26151  
quotient obtained by dividing the sum of the amounts described in 26152  
divisions (A)(1) and (2) of this section by the district's formula 26153  
ADM. 26154

(1) The district's total taxes charged and payable for 26155  
current expenses for the tax year preceding the tax year in which 26156  
the school year begins as certified under division (A)(3) of 26157  
section 3317.021 of the Revised Code. 26158

(2) The district's total taxes collected for current expenses 26159  
under a school district income tax adopted pursuant to section 26160  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 26161  
district during the fiscal year. On or before the first day of 26162  
June of each year, the tax commissioner shall certify the amount 26163  
to be used in the calculation under this division for the next 26164  
fiscal year to the department of education and the office of 26165  
budget and management for each city, local, and exempted village 26166  
school district that levies a school district income tax. 26167

(B) For any ~~handicapped~~ preschool child with a disability not 26168  
included in a unit approved under division (B) of section 3317.05 26169  
of the Revised Code, an amount computed for the school year as 26170  
follows: 26171

(1) For each type of special education service provided to 26172  
the child for whom tuition is being calculated, determine the 26173  
amount of the district's operating expenses in providing that type 26174  
of service to all ~~handicapped~~ preschool children with disabilities 26175  
not included in units approved under division (B) of section 26176  
3317.05 of the Revised Code; 26177

(2) For each type of special education service for which 26178  
operating expenses are determined under division (B)(1) of this 26179  
section, determine the amount of such operating expenses that was 26180  
paid from any state funds received under this chapter; 26181

(3) For each type of special education service for which 26182  
operating expenses are determined under division (B)(1) of this 26183  
section, divide the difference between the amount determined under 26184  
division (B)(1) of this section and the amount determined under 26185  
division (B)(2) of this section by the total number of ~~handicapped~~ 26186  
preschool children with disabilities not included in units 26187  
approved under division (B) of section 3317.05 of the Revised Code 26188  
who received that type of service; 26189

(4) Determine the sum of the quotients obtained under 26190  
division (B)(3) of this section for all types of special education 26191  
services provided to the child for whom tuition is being 26192  
calculated. 26193

The state board of education shall adopt rules defining the 26194  
types of special education services and specifying the operating 26195  
expenses to be used in the computation under this section. 26196

If any child for whom a tuition charge is computed under this 26197  
section for any school year is enrolled in a district for only 26198  
part of that school year, the amount of the district's tuition 26199  
charge for the child for the school year shall be computed in 26200  
proportion to the number of school days the child is enrolled in 26201  
the district during the school year. 26202

Except as otherwise provided in division (J) of section 26203  
3313.64 of the Revised Code, whenever a district admits a child to 26204  
its schools for whom tuition computed in accordance with this 26205  
section is an obligation of another school district, the amount of 26206  
the tuition shall be certified by the treasurer of the board of 26207  
education of the district of attendance, to the board of education 26208

of the district required to pay tuition for its approval and 26209  
payment. If agreement as to the amount payable or the district 26210  
required to pay the tuition cannot be reached, or the board of 26211  
education of the district required to pay the tuition refuses to 26212  
pay that amount, the board of education of the district of 26213  
attendance shall notify the superintendent of public instruction. 26214  
The superintendent shall determine the correct amount and the 26215  
district required to pay the tuition and shall deduct that amount, 26216  
if any, under division (G) of section 3317.023 of the Revised 26217  
Code, from the district required to pay the tuition and add that 26218  
amount to the amount allocated to the district attended under such 26219  
division. The superintendent of public instruction shall send to 26220  
the district required to pay the tuition an itemized statement 26221  
showing such deductions at the time of such deduction. 26222

When a political subdivision owns and operates an airport, 26223  
welfare, or correctional institution or other project or facility 26224  
outside its corporate limits, the territory within which the 26225  
facility is located is exempt from taxation by the school district 26226  
within which such territory is located, and there are school age 26227  
children residing within such territory, the political subdivision 26228  
owning such tax exempt territory shall pay tuition to the district 26229  
in which such children attend school. The tuition for these 26230  
children shall be computed as provided for in this section. 26231

**Sec. 3317.15.** (A) As used in this section, "~~handicapped~~ child 26232  
with a disability" has the same meaning as in section 3323.01 of 26233  
the Revised Code. 26234

(B) Each city, exempted village, local, and joint vocational 26235  
school district shall continue to comply with all requirements of 26236  
federal statutes and regulations, the Revised Code, and rules 26237  
adopted by the state board of education governing education of 26238  
~~handicapped~~ children with disabilities, including, but not limited 26239

to, requirements that ~~handicapped~~ children with disabilities be 26240  
served by appropriately licensed or certificated education 26241  
personnel. 26242

(C) Each city, exempted village, local, and joint vocational 26243  
school district shall consult with the educational service center 26244  
serving the county in which the school district is located and, if 26245  
it elects to participate pursuant to section 5126.04 of the 26246  
Revised Code, the county MR/DD board of that county, in providing 26247  
services that serve the best interests of ~~handicapped~~ children 26248  
with disabilities. 26249

(D) Each school district shall annually provide documentation 26250  
to the department of education that it employs the appropriate 26251  
number of licensed or certificated personnel to serve the 26252  
district's ~~handicapped~~ students with disabilities. 26253

(E) The department annually shall audit a sample of school 26254  
districts to ensure that ~~handicapped~~ children with disabilities 26255  
are being appropriately reported. 26256

(F) Each school district shall provide speech-language 26257  
pathology services at a ratio of one speech-language pathologist 26258  
per two thousand students receiving any educational services from 26259  
the district other than adult education. Each district shall 26260  
provide school psychological services at a ratio of one school 26261  
psychologist per two thousand five hundred students receiving any 26262  
educational services from the district other than adult education. 26263  
A district may obtain the services of speech-language pathologists 26264  
and school psychologists by any means permitted by law, including 26265  
contracting with an educational service center. If, however, a 26266  
district is unable to obtain the services of the required number 26267  
of speech-language pathologists or school psychologists, the 26268  
district may request from the superintendent of public 26269  
instruction, and the superintendent may grant, a waiver of this 26270  
provision for a period of time established by the superintendent. 26271

Sec. 3317.16. (A) As used in this section:	26272
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	26273 26274
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	26275 26276 26277 26278
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	26279 26280 26281
<del>cost of doing business factor X</del>	26282
the formula amount X	26283
formula ADM	26284
The resultant number is the district's state share percentage.	26285 26286
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	26287 26288 26289 26290
(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.	26291 26292 26293 26294
(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts for the applicable fiscal year.	26295 26296 26297 26298
(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	26299 26300 26301



(6) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with ~~division (B) of this section.~~

~~(1) Compute the following for each eligible district formula:~~  
~~(cost of doing business factor X~~  
~~formula amount X~~  
~~formula ADM) -~~  
~~(.0005 X total recognized valuation)~~

If the difference obtained under this division is a negative number, the district's computation shall be zero.

~~(2) Compute both of the following for each district:~~

~~(a) The difference of (i) the district's fiscal year 2005 base cost payment under the version of division (B) of this section in effect in fiscal year 2005, minus (ii) the amount computed for the district for the current fiscal year under current division (B)(1) of this section;~~

~~(b) The following amount:~~

~~{(fiscal year 2005 base cost payment/fiscal year 2005 formula ADM) X current year formula ADM} minus the amount computed for the district under current division (B)(1) of this section~~

~~If one of the amounts computed under division (B)(2)(a) or (b) of this section is a positive amount, the department shall pay the district that amount in addition to the amount calculated under division (B)(1) of this section. If both amounts are positive amounts, the department shall pay the district the lesser of the two amounts in addition to the amount calculated under division (B)(1) of this section.~~

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

state share percentage X formula amount X  
total vocational education weight

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (C)(1) of this section may be spent.

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

state share percentage X .05 X  
the formula amount X the sum of  
categories one and two vocational  
education ADM

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other

purposes designated by the department. The department may deny 26364  
payment under division (C)(2) of this section to any district that 26365  
the department determines is not operating those services or is 26366  
using funds paid under division (C)(2) of this section, or through 26367  
a transfer of funds pursuant to division (L) of section 3317.023 26368  
of the Revised Code, for other purposes. 26369

(D)(1) The department shall compute and distribute state 26370  
special education and related services additional weighted costs 26371  
funds to each joint vocational school district in accordance with 26372  
the following formula: 26373

state share percentage X formula amount X 26374  
total special education weight 26375

(2)(a) As used in this division, the "personnel allowance" 26376  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 26377  
~~2005, 2006, and 2007~~ 2008 and 2009. 26378

(b) For the provision of speech language pathology services 26379  
to students, including students who do not have individualized 26380  
education programs prepared for them under Chapter 3323. of the 26381  
Revised Code, and for no other purpose, the department shall pay 26382  
each joint vocational school district an amount calculated under 26383  
the following formula: 26384

(formula ADM divided by 2000) X the personnel 26385  
allowance X state share percentage 26386

(3) In any fiscal year, a joint vocational school district 26387  
shall spend for purposes that the department designates as 26388  
approved for special education and related services expenses at 26389  
least the amount calculated as follows: 26390

~~(cost of doing business factor X formula amount~~ 26391  
X the sum of categories one through 26392  
six special education ADM) + 26393  
(total special education weight X 26394

formula amount) 26395

The purposes approved by the department for special education 26396  
expenses shall include, but shall not be limited to, compliance 26397  
with state rules governing the education of ~~handicapped~~ children 26398  
with disabilities, providing services identified in a student's 26399  
individualized education program as defined in section 3323.01 of 26400  
the Revised Code, provision of speech language pathology services, 26401  
and the portion of the district's overall administrative and 26402  
overhead costs that are attributable to the district's special 26403  
education student population. 26404

The department shall require joint vocational school 26405  
districts to report data annually to allow for monitoring 26406  
compliance with division (D)(3) of this section. The department 26407  
shall annually report to the governor and the general assembly the 26408  
amount of money spent by each joint vocational school district for 26409  
special education and related services. 26410

(4) In any fiscal year, a joint vocational school district 26411  
shall spend for the provision of speech language pathology 26412  
services not less than the sum of the amount calculated under 26413  
division (D)(1) of this section for the students in the district's 26414  
category one special education ADM and the amount calculated under 26415  
division (D)(2) of this section. 26416

(E)(1) If a joint vocational school district's costs for a 26417  
fiscal year for a student in its categories two through six 26418  
special education ADM exceed the threshold catastrophic cost for 26419  
serving the student, as specified in division (C)(3)(b) of section 26420  
3317.022 of the Revised Code, the district may submit to the 26421  
superintendent of public instruction documentation, as prescribed 26422  
by the superintendent, of all of its costs for that student. Upon 26423  
submission of documentation for a student of the type and in the 26424  
manner prescribed, the department shall pay to the district an 26425  
amount equal to the sum of the following: 26426

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 26427  
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 26429  
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(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 26432  
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(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants. 26439  
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(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals: 26442  
26443  
26444

(1 - state share percentage) X 26445  
Total special education weight X 26446  
the formula amount 26447

(2) For each ~~handicapped~~ student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section. 26448  
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Those excess costs shall be calculated by subtracting the sum 26458  
of the following from the actual cost to provide special education 26459  
and related services to the student: 26460

(a) The ~~product of the~~ formula amount ~~times the~~ 26461  
~~cost of doing business factor;~~ 26462

(b) The product of the formula amount times the applicable 26463  
multiple specified in section 3317.013 of the Revised Code; 26464

(c) Any funds paid under division (E) of this section for the 26465  
student; 26466

(d) Any other funds received by the joint vocational school 26467  
district under this chapter to provide special education and 26468  
related services to the student, not including the amount 26469  
calculated under division (G)(2) of this section. 26470

(3) The board of education of the joint vocational school 26471  
district may report the excess costs calculated under division 26472  
(G)(2) of this section to the department of education. 26473

(4) If the board of education of the joint vocational school 26474  
district reports excess costs under division (G)(3) of this 26475  
section, the department shall pay the amount of excess cost 26476  
calculated under division (G)(2) of this section to the joint 26477  
vocational school district and shall deduct that amount as 26478  
provided in division (G)(4)(a) or (b) of this section, as 26479  
applicable: 26480

(a) If the student is not enrolled in a community school, the 26481  
department shall deduct the amount from the account of the 26482  
student's resident district pursuant to division (M) of section 26483  
3317.023 of the Revised Code. 26484

(b) If the student is enrolled in a community school, the 26485  
department shall deduct the amount from the account of the 26486  
community school pursuant to section 3314.083 of the Revised Code. 26487

Sec. 3317.161. If the department of education is required to 26488  
pay an amount under section 3353.25 of the Revised Code to a 26489  
school district delivering a course included in the clearinghouse 26490  
established under section 3353.21 of the Revised Code for a 26491  
student enrolled in a joint vocational school district, the 26492  
department shall deduct the amount of that payment from the amount 26493  
calculated for the joint vocational school district under section 26494  
3317.16 of the Revised Code. 26495

**Sec. 3317.19.** (A) As used in this section, "total unit 26496  
allowance" means an amount equal to the sum of the following: 26497

(1) The total of the salary allowances for the teachers 26498  
employed in the cooperative education school district for all 26499  
units approved under division (B) or (C) of section 3317.05 of the 26500  
Revised Code. The salary allowance for each unit shall equal the 26501  
minimum salary for the teacher of the unit calculated on the basis 26502  
of the teacher's training level and years of experience pursuant 26503  
to the salary schedule prescribed in the version of section 26504  
3317.13 of the Revised Code in effect prior to July 1, 2001. 26505

(2) Fifteen per cent of the total computed under division 26506  
(A)(1) of this section; 26507

(3) The total of the unit operating allowances for all 26508  
approved units. The amount of each allowance shall equal one of 26509  
the following: 26510

(a) Eight thousand twenty-three dollars times the number of 26511  
~~preschool handicapped~~ units for preschool children with 26512  
disabilities or fraction thereof approved for the year under 26513  
division (B) of section 3317.05 of the Revised Code; 26514

(b) Two thousand one hundred thirty-two dollars times the 26515  
number of units or fraction thereof approved for the year under 26516  
division (C) of section 3317.05 of the Revised Code. 26517

(B) The state board of education shall compute and distribute 26518  
to each cooperative education school district for each fiscal year 26519  
an amount equal to the sum of the following: 26520

(1) An amount equal to the total of the amounts credited to 26521  
the cooperative education school district pursuant to division (K) 26522  
of section 3317.023 of the Revised Code; 26523

(2) The total unit allowance; 26524

(3) An amount for assisting in providing free lunches to 26525  
needy children and an amount for assisting needy school districts 26526  
in purchasing necessary equipment for food preparation pursuant to 26527  
division (H) of section 3317.024 of the Revised Code. 26528

(C) If a cooperative education school district has had 26529  
additional special education units approved for the year under 26530  
division (F)(2) of section 3317.03 of the Revised Code, the 26531  
district shall receive an additional amount during the last half 26532  
of the fiscal year. For each unit, the additional amount shall 26533  
equal fifty per cent of the amount computed under division (A) of 26534  
this section for a unit approved under division (B) of section 26535  
3317.05 of the Revised Code. 26536

**Sec. 3317.20.** This section does not apply to ~~handicapped~~ 26537  
preschool children with disabilities. 26538

(A) As used in this section: 26539

(1) "Applicable weight" means the multiple specified in 26540  
section 3317.013 of the Revised Code for a ~~handicap~~ disability 26541  
described in that section. 26542

(2) "Child's school district" means the school district in 26543  
which a child is entitled to attend school pursuant to section 26544  
3313.64 or 3313.65 of the Revised Code. 26545

(3) "State share percentage" means the state share percentage 26546  
of the child's school district as defined in section 3317.022 of 26547



the Revised Code. 26548

(B) Except as provided in division (C) of this section, the 26549  
department shall annually pay each county MR/DD board for each 26550  
~~handicapped~~ child with a disability, other than a ~~handicapped~~ 26551  
preschool child with a disability, for whom the county MR/DD board 26552  
provides special education and related services ~~the greater of the~~ 26553  
~~amount calculated under division (B)(1) or (2) of this section:~~ 26554

~~(1) (The formula amount for fiscal year 2005 X the 26555  
cost of doing business factor for the child's school district for 26556  
fiscal year 2005) + (state share percentage for fiscal year 2005 X 26557  
formula amount for fiscal year 2005 X the applicable weight); 26558~~

~~(2) (The current an amount equal to the formula amount ~~times~~ 26559  
~~the current cost of doing business factor for the child's school~~ 26560  
~~district) + (state share percentage X current formula amount X the~~ 26561  
applicable weight). 26562~~

(C) If any school district places with a county MR/DD board 26563  
more ~~handicapped~~ children with disabilities than it had placed 26564  
with a county MR/DD board in fiscal year 1998, the department 26565  
shall not make a payment under division (B) of this section for 26566  
the number of children exceeding the number placed in fiscal year 26567  
1998. The department instead shall deduct from the district's 26568  
payments under this chapter, and pay to the county MR/DD board, an 26569  
amount calculated in accordance with the formula prescribed in 26570  
division (B) of this section for each child over the number of 26571  
children placed in fiscal year 1998. 26572

(D) The department shall calculate for each county MR/DD 26573  
board receiving payments under divisions (B) and (C) of this 26574  
section the following amounts: 26575

(1) The amount received by the county MR/DD board for 26576  
approved special education and related services units, other than 26577  
~~preschool handicapped units~~ for preschool children with 26578

disabilities, in fiscal year 1998, divided by the total number of 26579  
children served in the units that year; 26580

(2) The product of the quotient calculated under division 26581  
(D)(1) of this section times the number of children for whom 26582  
payments are made under divisions (B) and (C) of this section. 26583

If the amount calculated under division (D)(2) of this 26584  
section is greater than the total amount calculated under 26585  
divisions (B) and (C) of this section, the department shall pay 26586  
the county MR/DD board one hundred per cent of the difference in 26587  
addition to the payments under divisions (B) and (C) of this 26588  
section. 26589

**Sec. 3317.201.** This section does not apply to ~~handicapped~~ 26590  
preschool children with disabilities. 26591

(A) As used in this section, the "total special education 26592  
weight" for an institution means the sum of the following amounts: 26593

(1) The number of children reported by the institution under 26594  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26595  
receiving services for a ~~handicap~~ disability described in division 26596  
(A) of section 3317.013 of the Revised Code multiplied by the 26597  
multiple specified in that division; 26598

(2) The number of children reported by the institution under 26599  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26600  
receiving services for a ~~handicap~~ disability described in division 26601  
(B) of section 3317.013 of the Revised Code multiplied by the 26602  
multiple specified in that division; 26603

(3) The number of children reported by the institution under 26604  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26605  
receiving services for a ~~handicap~~ disability described in division 26606  
(C) of section 3317.013 of the Revised Code multiplied by the 26607  
multiple specified in that division; 26608

(4) The number of children reported by the institution under 26609  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26610  
receiving services for a ~~handicap~~ disability described in division 26611  
(D) of section 3317.013 of the Revised Code multiplied by the 26612  
multiple specified in that division; 26613

(5) The number of children reported by the institution under 26614  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26615  
receiving services for a ~~handicap~~ disability described in division 26616  
(E) of section 3317.013 of the Revised Code multiplied by the 26617  
multiple specified in that division; 26618

(6) The number of children reported by the institution under 26619  
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26620  
receiving services for a ~~handicap~~ disability described in division 26621  
(F) of section 3317.013 of the Revised Code multiplied by the 26622  
multiple specified in that division. 26623

(B) ~~The~~ For each fiscal year, the department of education 26624  
~~annually~~ shall pay each state institution required to provide 26625  
special education services under division (A) of section 3323.091 26626  
of the Revised Code an amount equal to the greater of: 26627

(1) The formula amount times the institution's total special 26628  
education weight; 26629

(2) The aggregate amount of special education and related 26630  
services unit funding the institution received for all ~~handicapped~~ 26631  
children with disabilities other than ~~handicapped~~ preschool 26632  
children with disabilities in fiscal year 2005 under sections 26633  
3317.052 and 3317.053 of the Revised Code, as those sections 26634  
existed prior to ~~the effective date of this section~~ June 30, 2005. 26635

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 26636  
Revised Code: 26637

(A) "Ohio school facilities commission" means the commission 26638

created pursuant to section 3318.30 of the Revised Code. 26639

(B) "Classroom facilities" means rooms in which pupils 26640  
regularly assemble in public school buildings to receive 26641  
instruction and education and such facilities and building 26642  
improvements for the operation and use of such rooms as may be 26643  
needed in order to provide a complete educational program, and may 26644  
include space within which a child care facility or a community 26645  
resource center is housed. "Classroom facilities" includes any 26646  
space necessary for the operation of a vocational education 26647  
program for secondary students in any school district that 26648  
operates such a program. 26649

(C) "Project" means a project to construct or acquire 26650  
classroom facilities, or to reconstruct or make additions to 26651  
existing classroom facilities, to be used for housing the 26652  
applicable school district and its functions. 26653

(D) "School district" means a local, exempted village, or 26654  
city school district as such districts are defined in Chapter 26655  
3311. of the Revised Code, acting as an agency of state 26656  
government, performing essential governmental functions of state 26657  
government pursuant to sections 3318.01 to 3318.20 of the Revised 26658  
Code. 26659

For purposes of assistance provided under sections 3318.40 to 26660  
3318.45 of the Revised Code, the term "school district" as used in 26661  
this section and in divisions (A), (C), and (D) of section 3318.03 26662  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 26663  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 26664  
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 26665  
Code means a joint vocational school district established pursuant 26666  
to section 3311.18 of the Revised Code. 26667

(E) "School district board" means the board of education of a 26668  
school district. 26669

(F) "Net bonded indebtedness" means the difference between 26670  
the sum of the par value of all outstanding and unpaid bonds and 26671  
notes which a school district board is obligated to pay and any 26672  
amounts the school district is obligated to pay under 26673  
lease-purchase agreements entered into under section 3313.375 of 26674  
the Revised Code, and the amount held in the sinking fund and 26675  
other indebtedness retirement funds for their redemption. Notes 26676  
issued for school buses in accordance with section 3327.08 of the 26677  
Revised Code, notes issued in anticipation of the collection of 26678  
current revenues, and bonds issued to pay final judgments shall 26679  
not be considered in calculating the net bonded indebtedness. 26680

"Net bonded indebtedness" does not include indebtedness 26681  
arising from the acquisition of land to provide a site for 26682  
classroom facilities constructed, acquired, or added to pursuant 26683  
to sections 3318.01 to 3318.20 of the Revised Code or the par 26684  
value of bonds that have been authorized by the electors and the 26685  
proceeds of which will be used by the district to provide any part 26686  
of its portion of the basic project cost. 26687

(G) "Board of elections" means the board of elections of the 26688  
county containing the most populous portion of the school 26689  
district. 26690

(H) "County auditor" means the auditor of the county in which 26691  
the greatest value of taxable property of such school district is 26692  
located. 26693

(I) "Tax duplicates" means the general tax lists and 26694  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 26695  
Code. 26696

(J) "Required level of indebtedness" means: 26697

(1) In the case of school districts in the first percentile, 26698  
five per cent of the district's valuation for the year preceding 26699  
the year in which the controlling board approved the project under 26700

section 3318.04 of the Revised Code. 26701

(2) In the case of school districts ranked in a subsequent 26702  
percentile, five per cent of the district's valuation for the year 26703  
preceding the year in which the controlling board approved the 26704  
project under section 3318.04 of the Revised Code, plus [two 26705  
one-hundredths of one per cent multiplied by (the percentile in 26706  
which the district ranks for the fiscal year preceding the fiscal 26707  
year in which the controlling board approved the district's 26708  
project minus one)]. 26709

(K) "Required percentage of the basic project costs" means 26710  
one per cent of the basic project costs times the percentile in 26711  
which the school district ranks for the fiscal year preceding the 26712  
fiscal year in which the controlling board approved the district's 26713  
project. 26714

(L) "Basic project cost" means a cost amount determined in 26715  
accordance with rules adopted under section 111.15 of the Revised 26716  
Code by the Ohio school facilities commission. The basic project 26717  
cost calculation shall take into consideration the square footage 26718  
and cost per square foot necessary for the grade levels to be 26719  
housed in the classroom facilities, the variation across the state 26720  
in construction and related costs, the cost of the installation of 26721  
site utilities and site preparation, the cost of demolition of all 26722  
or part of any existing classroom facilities that are abandoned 26723  
under the project, the cost of insuring the project until it is 26724  
completed, any contingency reserve amount prescribed by the 26725  
commission under section 3318.086 of the Revised Code, and the 26726  
professional planning, administration, and design fees that a 26727  
school district may have to pay to undertake a classroom 26728  
facilities project. 26729

For a joint vocational school district that receives 26730  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26731  
the basic project cost calculation for a project under those 26732

sections shall also take into account the types of laboratory 26733  
spaces and program square footages needed for the vocational 26734  
education programs for high school students offered by the school 26735  
district. 26736

(M)(1) Except for a joint vocational school district that 26737  
receives assistance under sections 3318.40 to 3318.45 of the 26738  
Revised Code, a "school district's portion of the basic project 26739  
cost" means the amount determined under section 3318.032 of the 26740  
Revised Code. 26741

(2) For a joint vocational school district that receives 26742  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26743  
a "school district's portion of the basic project cost" means the 26744  
amount determined under division (C) of section 3318.42 of the 26745  
Revised Code. 26746

(N) "Child care facility" means space within a classroom 26747  
facility in which the needs of infants, toddlers, preschool 26748  
children, and school children are provided for by persons other 26749  
than the parent or guardian of such children for any part of the 26750  
day, including persons not employed by the school district 26751  
operating such classroom facility. 26752

(O) "Community resource center" means space within a 26753  
classroom facility in which comprehensive services that support 26754  
the needs of families and children are provided by community-based 26755  
social service providers. 26756

(P) "Valuation" means the total value of all property in the 26757  
school district as listed and assessed for taxation on the tax 26758  
duplicates. 26759

(Q) "Percentile" means the percentile in which the school 26760  
district is ranked pursuant to ~~division (D)~~ of section 3318.011 of 26761  
the Revised Code. 26762

(R) "Installation of site utilities" means the installation 26763

of a site domestic water system, site fire protection system, site 26764  
gas distribution system, site sanitary system, site storm drainage 26765  
system, and site telephone and data system. 26766

(S) "Site preparation" means the earthwork necessary for 26767  
preparation of the building foundation system, the paved 26768  
pedestrian and vehicular circulation system, playgrounds on the 26769  
project site, and lawn and planting on the project site. 26770

**Sec. 3318.011.** For purposes of providing assistance under 26771  
sections 3318.01 to 3318.20 of the Revised Code, the department of 26772  
education shall annually do all of the following: 26773

(A) Calculate the adjusted valuation per pupil of each city, 26774  
local, and exempted village school district according to the 26775  
following formula: 26776

The district's valuation per pupil - 26777

[\$30,000 X (1 - the district's income factor)]. 26778

For purposes of this calculation: 26779

(1) "Valuation Except for a district with an open enrollment 26780  
net gain that is ten per cent or more of its formula ADM, 26781  
"valuation per pupil" for a district means its average taxable 26782  
value, divided by its formula ADM reported under section 3317.03 26783  
of the Revised Code for the previous fiscal year. "Valuation per 26784  
pupil," for a district with an open enrollment net gain that is 26785  
ten per cent or more of its formula ADM, means its average taxable 26786  
value, divided by the sum of its formula ADM for the previous 26787  
fiscal year plus its open enrollment net gain for the previous 26788  
fiscal year. 26789

(2) "Average taxable value" means the average of the amounts 26790  
certified for a district in the second, third, and fourth 26791  
preceding fiscal years under divisions (A)(1) and (2) of section 26792  
3317.021 of the Revised Code. 26793



(3) " <del>Income</del> <u>Entitled to attend school</u> " means entitled to	26794
<u>attend school in a city, local, or exempted village school</u>	26795
<u>district under section 3313.64 or 3313.65 of the Revised Code.</u>	26796
(4) " <u>Formula ADM</u> " and " <u>income factor</u> " <del>has</del> <u>have</u> the same	26797
<del>meaning</del> <u>meanings</u> as in section 3317.02 of the Revised Code.	26798
(5) " <u>Native student</u> " <u>has the same meaning as in section</u>	26799
<u>3313.98 of the Revised Code.</u>	26800
(6) " <u>Open enrollment net gain</u> " for a district means (a) the	26801
<u>number of the students entitled to attend school in another</u>	26802
<u>district but who are enrolled in the schools of the district under</u>	26803
<u>its open enrollment policy minus (b) the number of the district's</u>	26804
<u>native students who are enrolled in the schools of another</u>	26805
<u>district under the other district's open enrollment policy, both</u>	26806
<u>numbers as certified to the department under section 3313.981 of</u>	26807
<u>the Revised Code. If the difference is a negative number, the</u>	26808
<u>district's "open enrollment net gain" is zero.</u>	26809
(7) " <u>Open enrollment policy</u> " means an interdistrict open	26810
<u>enrollment policy adopted under section 3313.98 of the Revised</u>	26811
<u>Code.</u>	26812
(B) Calculate for each district the three-year average of the	26813
adjusted valuations per pupil calculated for the district for the	26814
current and two preceding fiscal years;	26815
(C) Rank all such districts in order of adjusted valuation	26816
per pupil from the district with the lowest three-year average	26817
adjusted valuation per pupil to the district with the highest	26818
three-year average adjusted valuation per pupil;	26819
(D) Divide such ranking into percentiles with the first	26820
percentile containing the one per cent of school districts having	26821
the lowest three-year average adjusted valuations per pupil and	26822
the one-hundredth percentile containing the one per cent of school	26823
districts having the highest three-year average adjusted	26824

valuations per pupil; 26825

(E) Determine the school districts that have three-year 26826  
average adjusted valuations per pupil that are greater than the 26827  
median three-year average adjusted valuation per pupil for all 26828  
school districts in the state; 26829

(F) On or before the first day of September, certify the 26830  
information described in divisions (A) to (E) of this section to 26831  
the Ohio school facilities commission. 26832

Notwithstanding anything in this section to the contrary, the 26833  
department shall not rank any school district subject to division 26834  
(F) of section 3318.36 of the Revised Code in a higher percentile 26835  
than the percentile in which the district was ranked on the date 26836  
the electors of the district approved a bond issue to pay the 26837  
district's portion of the basic project cost. The percentile 26838  
ranking resulting from this paragraph shall be used by the 26839  
commission only to determine when the district is eligible for 26840  
assistance under sections 3318.01 to 3318.20 of the Revised Code 26841  
and shall not be used to calculate the district's portion of the 26842  
basic project cost. For this purpose, the commission annually 26843  
shall notify the department of all school districts that have 26844  
become subject to division (F) of section 3318.36 of the Revised 26845  
Code since the department completed its most recent school 26846  
district rankings under this section. 26847

**Sec. 3318.023.** Notwithstanding anything to the contrary in 26848  
section 3318.02 of the Revised Code, each fiscal year, at the time 26849  
that the Ohio school facilities commission conditionally approves 26850  
projects of school districts under ~~section~~ sections 3318.01 to 26851  
3318.20 of the Revised Code for which it plans to provide 26852  
assistance under those sections for that fiscal year, the 26853  
commission also shall identify the next ten school districts from 26854  
lowest to highest in order of the ranking calculated for the 26855

previous fiscal year under ~~division (D)~~ of section 3318.011 of the Revised Code that have not yet been conditionally approved for assistance under ~~section~~ sections 3318.01 to 3318.20 of the Revised Code. Those districts shall have priority in the order of such ranking with the lowest valuation having the highest priority for future assistance under those sections over all other school districts except for districts receiving assistance under division (B)(2) of section 3318.04, section 3318.37, or section 3318.38 of the Revised Code or districts that have priority under section 3318.05 of the Revised Code.

**Sec. 3318.12.** (A) The Ohio school facilities commission shall cause to be transferred to the school district's project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a school district's project construction fund shall be credited to the fund.

(B)(1) The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division (B)(1) of this section, the school district board may, by a duly adopted resolution, choose to use all or part of the investment earnings of the district's project construction fund that are attributable to the district's contribution to the fund to pay the cost of classroom facilities or portions or components of

classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After the project has been completed:

(1) ~~Any~~ At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or

sections 3318.40 to 3318.45 of the Revised Code. 26918

(3) Any other surplus remaining in the school district's 26919  
project construction fund after the project has been completed 26920  
shall be transferred to the commission and the school district 26921  
board in proportion to their respective contributions to the fund. 26922  
The commission shall use the money transferred to it under this 26923  
division for expenditure pursuant to sections 3318.01 to 3318.20 26924  
or sections 3318.40 to 3318.45 of the Revised Code. 26925

(D) Pursuant to appropriations of the general assembly, any 26926  
moneys transferred to the commission under division (C)(2) or (3) 26927  
of this section from a project construction fund for a project 26928  
under sections 3318.40 to 3318.45 of the Revised Code may be used 26929  
for future expenditures for projects under sections 3318.40 to 26930  
3318.45 of the Revised Code, notwithstanding the two per cent 26931  
annual limit specified in division (B) of section 3318.40 of the 26932  
Revised Code. 26933

**Sec. 3318.15.** There is hereby created the public school 26934  
building fund within the state treasury consisting of any moneys 26935  
transferred or appropriated to the fund by the general assembly, 26936  
moneys paid into or transferred in accordance with section 3318.47 26937  
of the Revised Code, and any grants, gifts, or contributions 26938  
received by the Ohio school facilities commission to be used for 26939  
the purposes of the fund. All investment earnings of the fund 26940  
shall be credited to the fund. 26941

Moneys transferred or appropriated to the fund by the general 26942  
assembly and moneys in the fund from grants, gifts, and 26943  
contributions shall be used for the purposes of Chapter 3318. of 26944  
the Revised Code as prescribed by the general assembly. 26945

**Sec. 3318.26.** (A) The provisions of this section apply only 26946  
to obligations issued by the issuing authority prior to December 26947

1, 1999. 26948

(B) Subject to the limitations provided in section 3318.29 of 26949  
the Revised Code, the issuing authority, upon the certification by 26950  
the Ohio school facilities commission to the issuing authority of 26951  
the amount of moneys or additional moneys needed in the school 26952  
building program assistance fund for the purposes of sections 26953  
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 26954  
Code, or needed for capitalized interest, for funding reserves, 26955  
and for paying costs and expenses incurred in connection with the 26956  
issuance, carrying, securing, paying, redeeming, or retirement of 26957  
the obligations or any obligations refunded thereby, including 26958  
payment of costs and expenses relating to letters of credit, lines 26959  
of credit, insurance, put agreements, standby purchase agreements, 26960  
indexing, marketing, remarketing and administrative arrangements, 26961  
interest swap or hedging agreements, and any other credit 26962  
enhancement, liquidity, remarketing, renewal, or refunding 26963  
arrangements, all of which are authorized by this section, shall 26964  
issue obligations of the state under this section in the required 26965  
amount. The proceeds of such obligations, except for obligations 26966  
issued to provide moneys for the school building program 26967  
assistance fund shall be deposited by the treasurer of state in 26968  
special funds, including reserve funds, as provided in the bond 26969  
proceedings. The issuing authority may appoint trustees, paying 26970  
agents, and transfer agents and may retain the services of 26971  
financial advisors and accounting experts and retain or contract 26972  
for the services of marketing, remarketing, indexing, and 26973  
administrative agents, other consultants, and independent 26974  
contractors, including printing services, as are necessary in the 26975  
issuing authority's judgment to carry out this section. The costs 26976  
of such services are payable from the school building program 26977  
assistance fund or any special fund determined by the issuing 26978  
authority. 26979

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the treasurer of state. The right of such holders and owners to payment of bond service charges shall be limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding the limits specified in section 3318.29 of the Revised Code, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section, subject to any applicable limitation under section 3318.29 of the Revised Code. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond

proceedings shall also provide, subject to the provisions of any 27013  
other applicable bond proceedings, for the pledge of all, or such 27014  
part as the issuing authority may determine, of the pledged 27015  
receipts and the applicable special fund or funds to the payment 27016  
of bond service charges, which pledges may be made either prior or 27017  
subordinate to other expenses, claims, or payments, and may be 27018  
made to secure the obligations on a parity with obligations 27019  
theretofore or thereafter issued, if and to the extent provided in 27020  
the bond proceedings. The pledged receipts and special funds so 27021  
pledged and thereafter received by the state are immediately 27022  
subject to the lien of such pledge without any physical delivery 27023  
thereof or further act, and the lien of any such pledges is valid 27024  
and binding against all parties having claims of any kind against 27025  
the state or any governmental agency of the state, irrespective of 27026  
whether such parties have notice thereof, and shall create a 27027  
perfected security interest for all purposes of Chapter 1309. of 27028  
the Revised Code, without the necessity for separation or delivery 27029  
of funds or for the filing or recording of the bond proceedings by 27030  
which such pledge is created or any certificate, statement or 27031  
other document with respect thereto; and the pledge of such 27032  
pledged receipts and special funds is effective and the money 27033  
therefrom and thereof may be applied to the purposes for which 27034  
pledged without necessity for any act of appropriation, except as 27035  
required by section 3770.06 of the Revised Code. Every pledge, and 27036  
every covenant and agreement made with respect thereto, made in 27037  
the bond proceedings may therein be extended to the benefit of the 27038  
owners and holders of obligations authorized by this section, and 27039  
to any trustee therefor, for the further security of the payment 27040  
of the bond service charges. 27041

(E) The bond proceedings may contain additional provisions as 27042  
to: 27043

(1) The redemption of obligations prior to maturity at the 27044



option of the issuing authority at such price or prices and under	27045
such terms and conditions as are provided in the bond proceedings;	27046
(2) Other terms of the obligations;	27047
(3) Limitations on the issuance of additional obligations;	27048
(4) The terms of any trust agreement or indenture securing	27049
the obligations or under which the same may be issued;	27050
(5) The deposit, investment and application of special funds,	27051
and the safeguarding of moneys on hand or on deposit, without	27052
regard to Chapter 131., 133., or 135. of the Revised Code, but	27053
subject to any special provisions of sections 3318.21 to 3318.29	27054
of the Revised Code, with respect to particular funds or moneys,	27055
provided that any bank or trust company that acts as depository of	27056
any moneys in the special funds may furnish such indemnifying	27057
bonds or may pledge such securities as required by the issuing	27058
authority;	27059
(6) Any or every provision of the bond proceedings being	27060
binding upon such officer, board, commission, authority, agency,	27061
department, or other person or body as may from time to time have	27062
the authority under law to take such actions as may be necessary	27063
to perform all or any part of the duty required by such provision;	27064
(7) Any provision that may be made in a trust agreement or	27065
indenture;	27066
(8) The lease or sublease of any interest of the school	27067
district or the state in one or more projects as defined in	27068
division (C) of section 3318.01 of the Revised Code, or in one or	27069
more permanent improvements, to or from the issuing authority, as	27070
provided in one or more lease or sublease agreements between the	27071
school or the state and the issuing authority;	27072
(9) Any other or additional agreements with the holders of	27073
the obligations, or the trustee therefor, relating to the	27074

obligations or the security therefor. 27075

(F) The obligations may have the great seal of the state or a 27076  
facsimile thereof affixed thereto or printed thereon. The 27077  
obligations and any coupons pertaining to obligations shall be 27078  
signed or bear the facsimile signature of the issuing authority. 27079  
Any obligations or coupons may be executed by the person who, on 27080  
the date of execution, is the proper issuing authority although on 27081  
the date of such bonds or coupons such person was not the issuing 27082  
authority. In case the issuing authority whose signature or a 27083  
facsimile of whose signature appears on any such obligation or 27084  
coupon ceases to be the issuing authority before delivery thereof, 27085  
such signature or facsimile is nevertheless valid and sufficient 27086  
for all purposes as if the issuing authority had remained the 27087  
issuing authority until such delivery; and in case the seal to be 27088  
affixed to obligations has been changed after a facsimile of the 27089  
seal has been imprinted on such obligations, such facsimile seal 27090  
shall continue to be sufficient as to such obligations and 27091  
obligations issued in substitution or exchange therefor. 27092

(G) All obligations are negotiable instruments and securities 27093  
under Chapter 1308. of the Revised Code, subject to the provisions 27094  
of the bond proceedings as to registration. The obligations may be 27095  
issued in coupon or in registered form, or both, as the issuing 27096  
authority determines. Provision may be made for the registration 27097  
of any obligations with coupons attached thereto as to principal 27098  
alone or as to both principal and interest, their exchange for 27099  
obligations so registered, and for the conversion or reconversion 27100  
into obligations with coupons attached thereto of any obligations 27101  
registered as to both principal and interest, and for reasonable 27102  
charges for such registration, exchange, conversion, and 27103  
reconversion. 27104

(H) Obligations may be sold at public sale or at private 27105  
sale, as determined in the bond proceedings. 27106

(I) Pending preparation of definitive obligations, the 27107  
issuing authority may issue interim receipts or certificates which 27108  
shall be exchanged for such definitive obligations. 27109

(J) In the discretion of the issuing authority, obligations 27110  
may be secured additionally by a trust agreement or indenture 27111  
between the issuing authority and a corporate trustee which may be 27112  
any trust company or bank having ~~its principal~~ a place of business 27113  
within the state. Any such agreement or indenture may contain the 27114  
resolution or order authorizing the issuance of the obligations, 27115  
any provisions that may be contained in any bond proceedings, and 27116  
other provisions that are customary or appropriate in an agreement 27117  
or indenture of such type, including, but not limited to: 27118

(1) Maintenance of each pledge, trust agreement, indenture, 27119  
or other instrument comprising part of the bond proceedings until 27120  
the state has fully paid the bond service charges on the 27121  
obligations secured thereby, or provision therefor has been made; 27122

(2) In the event of default in any payments required to be 27123  
made by the bond proceedings, or any other agreement of the 27124  
issuing authority made as a part of the contract under which the 27125  
obligations were issued, enforcement of such payments or agreement 27126  
by mandamus, the appointment of a receiver, suit in equity, action 27127  
at law, or any combination of the foregoing; 27128

(3) The rights and remedies of the holders of obligations and 27129  
of the trustee, and provisions for protecting and enforcing them, 27130  
including limitations on rights of individual holders of 27131  
obligations; 27132

(4) The replacement of any obligations that become mutilated 27133  
or are destroyed, lost, or stolen; 27134

(5) Such other provisions as the trustee and the issuing 27135  
authority agree upon, including limitations, conditions, or 27136  
qualifications relating to any of the foregoing. 27137

(K) Any holder of obligations or a trustee under the bond 27138  
proceedings, except to the extent that the holder's or trustee's 27139  
rights are restricted by the bond proceedings, may by any suitable 27140  
form of legal proceedings, protect and enforce any rights under 27141  
the laws of this state or granted by such bond proceedings. Such 27142  
rights include the right to compel the performance of all duties 27143  
of the issuing authority, the commission, or the director of 27144  
budget and management required by sections 3318.21 to 3318.29 of 27145  
the Revised Code or the bond proceedings; to enjoin unlawful 27146  
activities; and in the event of default with respect to the 27147  
payment of any bond service charges on any obligations or in the 27148  
performance of any covenant or agreement on the part of the 27149  
issuing authority, the commission, or the director of budget and 27150  
management in the bond proceedings, to apply to a court having 27151  
jurisdiction of the cause to appoint a receiver to receive and 27152  
administer the pledged receipts and special funds, other than 27153  
those in the custody of the treasurer of state or the commission, 27154  
which are pledged to the payment of the bond service charges on 27155  
such obligations or which are the subject of the covenant or 27156  
agreement, with full power to pay, and to provide for payment of 27157  
bond service charges on, such obligations, and with such powers, 27158  
subject to the direction of the court, as are accorded receivers 27159  
in general equity cases, excluding any power to pledge additional 27160  
revenues or receipts or other income or moneys of the issuing 27161  
authority or the state or governmental agencies of the state to 27162  
the payment of such principal and interest and excluding the power 27163  
to take possession of, mortgage, or cause the sale or otherwise 27164  
dispose of any permanent improvement. 27165

Each duty of the issuing authority and the issuing 27166  
authority's officers and employees, and of each governmental 27167  
agency and its officers, members, or employees, undertaken 27168  
pursuant to the bond proceedings or any agreement or loan made 27169  
under authority of sections 3318.21 to 3318.29 of the Revised 27170

Code, and in every agreement by or with the issuing authority, is 27171  
hereby established as a duty of the issuing authority, and of each 27172  
such officer, member, or employee having authority to perform such 27173  
duty, specifically enjoined by the law resulting from an office, 27174  
trust, or station within the meaning of section 2731.01 of the 27175  
Revised Code. 27176

The person who is at the time the issuing authority, or the 27177  
issuing authority's officers or employees, are not liable in their 27178  
personal capacities on any obligations issued by the issuing 27179  
authority or any agreements of or with the issuing authority. 27180

(L) Obligations issued under this section are lawful 27181  
investments for banks, societies for savings, savings and loan 27182  
associations, deposit guarantee associations, trust companies, 27183  
trustees, fiduciaries, insurance companies, including domestic for 27184  
life and domestic not for life, trustees or other officers having 27185  
charge of sinking and bond retirement or other special funds of 27186  
political subdivisions and taxing districts of this state, the 27187  
commissioners of the sinking fund of the state, the administrator 27188  
of workers' compensation, the state teachers retirement system, 27189  
the public employees retirement system, the school employees 27190  
retirement system, and the Ohio police and fire pension fund, 27191  
notwithstanding any other provisions of the Revised Code or rules 27192  
adopted pursuant thereto by any governmental agency of the state 27193  
with respect to investments by them, and also are acceptable as 27194  
security for the deposit of public moneys. 27195

(M) Unless otherwise provided in any applicable bond 27196  
proceedings, moneys to the credit of or in the special funds 27197  
established by or pursuant to this section may be invested by or 27198  
on behalf of the issuing authority only in notes, bonds, or other 27199  
obligations of the United States, or of any agency or 27200  
instrumentality of the United States, obligations guaranteed as to 27201  
principal and interest by the United States, obligations of this 27202

state or any political subdivision of this state, and certificates 27203  
of deposit of any national bank located in this state and any 27204  
bank, as defined in section 1101.01 of the Revised Code, subject 27205  
to inspection by the superintendent of financial institutions. If 27206  
the law or the instrument creating a trust pursuant to division 27207  
(J) of this section expressly permits investment in direct 27208  
obligations of the United States or an agency of the United 27209  
States, unless expressly prohibited by the instrument, such moneys 27210  
also may be invested in no front end load money market mutual 27211  
funds consisting exclusively of obligations of the United States 27212  
or an agency of the United States and in repurchase agreements, 27213  
including those issued by the fiduciary itself, secured by 27214  
obligations of the United States or an agency of the United 27215  
States; and in collective investment funds established in 27216  
accordance with section 1111.14 of the Revised Code and consisting 27217  
exclusively of any such securities, notwithstanding division 27218  
(B)(1)(c) of that section. The income from such investments shall 27219  
be credited to such funds as the issuing authority determines, and 27220  
such investments may be sold at such times as the issuing 27221  
authority determines or authorizes. 27222

(N) Provision may be made in the applicable bond proceedings 27223  
for the establishment of separate accounts in the bond service 27224  
fund and for the application of such accounts only to the 27225  
specified bond service charges on obligations pertinent to such 27226  
accounts and bond service fund and for other accounts therein 27227  
within the general purposes of such fund. Unless otherwise 27228  
provided in any applicable bond proceedings, moneys to the credit 27229  
of or in the several special funds established pursuant to this 27230  
section shall be disbursed on the order of the treasurer of state, 27231  
provided that no such order is required for the payment from the 27232  
bond service fund when due of bond service charges on obligations. 27233

(O) The issuing authority may pledge all, or such portion as 27234

the issuing authority determines, of the pledged receipts to the 27235  
payment of bond service charges on obligations issued under this 27236  
section, and for the establishment and maintenance of any 27237  
reserves, as provided in the bond proceedings, and make other 27238  
provisions therein with respect to pledged receipts as authorized 27239  
by this chapter, which provisions shall be controlling 27240  
notwithstanding any other provisions of law pertaining thereto. 27241

(P) The issuing authority may covenant in the bond 27242  
proceedings, and any such covenants shall be controlling 27243  
notwithstanding any other provision of law, that the state and 27244  
applicable officers and governmental agencies of the state, 27245  
including the general assembly, so long as any obligations are 27246  
outstanding, shall: 27247

(1) Maintain statutory authority for and cause to be operated 27248  
the state lottery, including the transfers to and from the lottery 27249  
profits education fund created in section 3770.06 of the Revised 27250  
Code so that the pledged receipts shall be sufficient in amount to 27251  
meet bond service charges, and the establishment and maintenance 27252  
of any reserves and other requirements provided for in the bond 27253  
proceedings; 27254

(2) Take or permit no action, by statute or otherwise, that 27255  
would impair the exclusion from gross income for federal income 27256  
tax purposes of the interest on any obligations designated by the 27257  
bond proceeding as tax-exempt obligations. 27258

(Q) There is hereby created the school building program bond 27259  
service fund, which shall be in the custody of the treasurer of 27260  
state but shall be separate and apart from and not a part of the 27261  
state treasury. All moneys received by or on account of the 27262  
issuing authority or state agencies and required by the applicable 27263  
bond proceedings, consistent with this section, to be deposited, 27264  
transferred, or credited to the school building program bond 27265  
service fund, and all other moneys transferred or allocated to or 27266

received for the purposes of the fund, shall be deposited and 27267  
credited to such fund and to any separate accounts therein, 27268  
subject to applicable provisions of the bond proceedings, but 27269  
without necessity for any act of appropriation, except as required 27270  
by section 3770.06 of the Revised Code. During the period 27271  
beginning with the date of the first issuance of obligations and 27272  
continuing during such time as any such obligations are 27273  
outstanding, and so long as moneys in the school building program 27274  
bond service fund are insufficient to pay all bond service charges 27275  
on such obligations becoming due in each year, a sufficient amount 27276  
of the moneys from the lottery profits education fund included in 27277  
pledged receipts, subject to appropriation for such purpose as 27278  
provided in section 3770.06 of the Revised Code, are committed and 27279  
shall be paid to the school building program bond service fund in 27280  
each year for the purpose of paying the bond service charges 27281  
becoming due in that year. The school building program bond 27282  
service fund is a trust fund and is hereby pledged to the payment 27283  
of bond service charges solely on obligations issued to provide 27284  
moneys for the school building program assistance fund to the 27285  
extent provided in the applicable bond proceedings, and payment 27286  
thereof from such fund shall be made or provided for by the 27287  
treasurer of state in accordance with such bond proceedings 27288  
without necessity for any act of appropriation except as required 27289  
by section 3770.06 of the Revised Code. 27290

(R) The obligations, the transfer thereof, and the income 27291  
therefrom, including any profit made on the sale thereof, at all 27292  
times shall be free from taxation within the state. 27293

**Sec. 3318.36.** (A)(1) As used in this section: 27294

(a) "Ohio school facilities commission," "classroom 27295  
facilities," "school district," "school district board," "net 27296  
bonded indebtedness," "required percentage of the basic project 27297



costs," "basic project cost," "valuation," and "percentile" have 27298  
the same meanings as in section 3318.01 of the Revised Code. 27299

(b) "Required level of indebtedness" means five per cent of 27300  
the school district's valuation for the year preceding the year in 27301  
which the commission and school district enter into an agreement 27302  
under division (B) of this section, plus [two one-hundredths of 27303  
one per cent multiplied by (the percentile in which the district 27304  
ranks minus one)]. 27305

(c) "Local resources" means any moneys generated in any 27306  
manner permitted for a school district board to raise the school 27307  
district portion of a project undertaken with assistance under 27308  
sections 3318.01 to 3318.20 of the Revised Code. 27309

(2) For purposes of determining either the required level of 27310  
indebtedness, as defined in division (A)(1)(b) of this section, or 27311  
the required percentage of the basic project costs, under division 27312  
(C)(1) of this section, the percentile ranking of a school 27313  
district with which the commission has entered into an agreement 27314  
under this section between the first day of July and the 27315  
thirty-first day of August in each fiscal year is the percentile 27316  
ranking calculated for that district for the immediately preceding 27317  
fiscal year, and the percentile ranking of a school district with 27318  
which the commission has entered into such agreement between the 27319  
first day of September and the thirtieth day of June in each 27320  
fiscal year is the percentile ranking calculated for that district 27321  
for the current fiscal year. 27322

(B)(1) There is hereby established the school building 27323  
assistance expedited local partnership program. Under the program, 27324  
the Ohio school facilities commission may enter into an agreement 27325  
with the school district board of any school district under which 27326  
the school district board may proceed with the new construction or 27327  
major repairs of a part of the school district's classroom 27328  
facilities needs, as determined under sections 3318.01 to 3318.20 27329

of the Revised Code, through the expenditure of local resources 27330  
prior to the school district's eligibility for state assistance 27331  
under sections 3318.01 to 3318.20 of the Revised Code and may 27332  
apply that expenditure toward meeting the school district's 27333  
portion of the basic project cost of the total of the school 27334  
district's classroom facilities needs, as determined under 27335  
sections 3318.01 to 3318.20 of the Revised Code and as 27336  
recalculated under division (E) of this section, that are eligible 27337  
for state assistance under sections 3318.01 to 3318.20 of the 27338  
Revised Code when the school district becomes eligible for such 27339  
state assistance. Any school district that is reasonably expected 27340  
to receive assistance under sections 3318.01 to 3318.20 of the 27341  
Revised Code within two fiscal years from the date the school 27342  
district adopts its resolution under division (B) of this section 27343  
shall not be eligible to participate in the program. 27344

(2) To participate in the program, a school district board 27345  
shall first adopt a resolution certifying to the commission the 27346  
board's intent to participate in the program. 27347

The resolution shall specify the approximate date that the 27348  
board intends to seek elector approval of any bond or tax measures 27349  
or to apply other local resources to use to pay the cost of 27350  
classroom facilities to be constructed under this section. The 27351  
resolution may specify the application of local resources or 27352  
elector-approved bond or tax measures after the resolution is 27353  
adopted by the board, and in such case the board may proceed with 27354  
a discrete portion of its project under this section as soon as 27355  
the commission and the controlling board have approved the basic 27356  
project cost of the district's classroom facilities needs as 27357  
specified in division (D) of this section. The board shall submit 27358  
its resolution to the commission not later than ten days after the 27359  
date the resolution is adopted by the board. 27360

The commission shall not consider any resolution that is 27361

submitted pursuant to division (B)(2) of this section, as amended 27362  
by this amendment, sooner than September 14, 2000. 27363

(3) Any project under this section shall comply with section 27364  
3318.03 of the Revised Code and with any specifications for plans 27365  
and materials for classroom facilities adopted by the commission 27366  
under section 3318.04 of the Revised Code. 27367

(4) If a school district that enters into an agreement under 27368  
this section has not begun a project applying local resources as 27369  
provided for under that agreement at the time the district is 27370  
notified by the commission that it is eligible to receive state 27371  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 27372  
all assessment and agreement documents entered into under this 27373  
section are void. 27374

(5) Only construction of or repairs to classroom facilities 27375  
that have been approved by the commission and have been therefore 27376  
included as part of a district's basic project cost qualify for 27377  
application of local resources under this section. 27378

(C) Based on the results of the on-site visits and assessment 27379  
conducted under division (B)(2) of this section, the commission 27380  
shall determine the basic project cost of the school district's 27381  
classroom facilities needs. The commission shall determine the 27382  
school district's portion of such basic project cost, which shall 27383  
be the greater of: 27384

(1) The required percentage of the basic project costs, 27385  
determined based on the school district's percentile ranking; 27386

(2) An amount necessary to raise the school district's net 27387  
bonded indebtedness, as of the fiscal year the commission and the 27388  
school district enter into the agreement under division (B) of 27389  
this section, to within five thousand dollars of the required 27390  
level of indebtedness. 27391

(D)(1) When the commission determines the basic project cost 27392

of the classroom facilities needs of a school district and the 27393  
school district's portion of that basic project cost under 27394  
division (C) of this section, the project shall be conditionally 27395  
approved. Such conditional approval shall be submitted to the 27396  
controlling board for approval thereof. The controlling board 27397  
shall forthwith approve or reject the commission's determination, 27398  
conditional approval, and the amount of the state's portion of the 27399  
basic project cost; however, no state funds shall be encumbered 27400  
under this section. Upon approval by the controlling board, the 27401  
school district board may identify a discrete part of its 27402  
classroom facilities needs, which shall include only new 27403  
construction of or additions or major repairs to a particular 27404  
building, to address with local resources. Upon identifying a part 27405  
of the school district's basic project cost to address with local 27406  
resources, the school district board may allocate any available 27407  
school district moneys to pay the cost of that identified part, 27408  
including the proceeds of an issuance of bonds if approved by the 27409  
electors of the school district. 27410

All local resources utilized under this division shall first 27411  
be deposited in the project construction account required under 27412  
section 3318.08 of the Revised Code. 27413

(2) Unless the school district board exercises its option 27414  
under division (D)(3) of this section, for a school district to 27415  
qualify for participation in the program authorized under this 27416  
section, one of the following conditions shall be satisfied: 27417

(a) The electors of the school district by a majority vote 27418  
shall approve the levy of taxes outside the ten-mill limitation 27419  
for a period of twenty-three years at the rate of not less than 27420  
one-half mill for each dollar of valuation to be used to pay the 27421  
cost of maintaining the classroom facilities included in the basic 27422  
project cost as determined by the commission. The form of the 27423  
ballot to be used to submit the question whether to approve the 27424

tax required under this division to the electors of the school 27425  
district shall be the form for an additional levy of taxes 27426  
prescribed in section 3318.361 of the Revised Code, which may be 27427  
combined in a single ballot question with the questions prescribed 27428  
under section 5705.218 of the Revised Code. 27429

(b) As authorized under division (C) of section 3318.05 of 27430  
the Revised Code, the school district board shall earmark from the 27431  
proceeds of a permanent improvement tax levied under section 27432  
5705.21 of the Revised Code, an amount equivalent to the 27433  
additional tax otherwise required under division (D)(2)(a) of this 27434  
section for the maintenance of the classroom facilities included 27435  
in the basic project cost as determined by the commission. 27436

(c) As authorized under section 3318.051 of the Revised Code, 27437  
the school district board shall, if approved by the commission, 27438  
annually transfer into the maintenance fund required under section 27439  
3318.05 of the Revised Code the amount prescribed in section 27440  
3318.051 of the Revised Code in lieu of the tax otherwise required 27441  
under division (D)(2)(a) of this section for the maintenance of 27442  
the classroom facilities included in the basic project cost as 27443  
determined by the commission. 27444

(d) If the school district board has rescinded the agreement 27445  
to make transfers under section 3318.051 of the Revised Code, as 27446  
provided under division (F) of that section, the electors of the 27447  
school district, in accordance with section 3318.063 of the 27448  
Revised Code, first shall approve the levy of taxes outside the 27449  
ten-mill limitation for the period specified in that section at a 27450  
rate of not less than one-half mill for each dollar of valuation. 27451

(e) The school district board shall apply the proceeds of a 27452  
tax to leverage bonds as authorized under section 3318.052 of the 27453  
Revised Code or dedicate a local donated contribution in the 27454  
manner described in division (B) of section 3318.084 of the 27455  
Revised Code in an amount equivalent to the additional tax 27456

otherwise required under division (D)(2)(a) of this section for 27457  
the maintenance of the classroom facilities included in the basic 27458  
project cost as determined by the commission. 27459

(3) A school district board may opt to delay taking any of 27460  
the actions described in division (D)(2) of this section until 27461  
such time as the school district becomes eligible for state 27462  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 27463  
In order to exercise this option, the board shall certify to the 27464  
commission a resolution indicating the board's intent to do so 27465  
prior to entering into an agreement under division (B) of this 27466  
section. 27467

(4) If pursuant to division (D)(3) of this section a district 27468  
board opts to delay levying an additional tax until the district 27469  
becomes eligible for state assistance, it shall submit the 27470  
question of levying that tax to the district electors as follows: 27471

(a) In accordance with section 3318.06 of the Revised Code if 27472  
it will also be necessary pursuant to division (E) of this section 27473  
to submit a proposal for approval of a bond issue; 27474

(b) In accordance with section 3318.361 of the Revised Code 27475  
if it is not necessary to also submit a proposal for approval of a 27476  
bond issue pursuant to division (E) of this section. 27477

(5) No state assistance under sections 3318.01 to 3318.20 of 27478  
the Revised Code shall be released until a school district board 27479  
that adopts and certifies a resolution under division (D) of this 27480  
section also demonstrates to the satisfaction of the commission 27481  
compliance with the provisions of division (D)(2) of this section. 27482

Any amount required for maintenance under division (D)(2) of 27483  
this section shall be deposited into a separate fund as specified 27484  
in division (B) of section 3318.05 of the Revised Code. 27485

(E)(1) If the school district becomes eligible for state 27486  
assistance under sections 3318.01 to 3318.20 of the Revised Code 27487

based on its percentile ranking as determined under division (B) 27488  
of this section, the commission shall conduct a new assessment of 27489  
the school district's classroom facilities needs and shall 27490  
recalculate the basic project cost based on this new assessment. 27491  
The basic project cost recalculated under this division shall 27492  
include the amount of expenditures made by the school district 27493  
board under division (D)(1) of this section. The commission shall 27494  
then recalculate the school district's portion of the new basic 27495  
project cost, which shall be the percentage of the original basic 27496  
project cost assigned to the school district as its portion under 27497  
division (C) of this section. The commission shall deduct the 27498  
expenditure of school district moneys made under division (D)(1) 27499  
of this section from the school district's portion of the basic 27500  
project cost as recalculated under this division. If the amount of 27501  
school district resources applied by the school district board to 27502  
the school district's portion of the basic project cost under this 27503  
section is less than the total amount of such portion as 27504  
recalculated under this division, the school district board by a 27505  
majority vote of all of its members shall, if it desires to seek 27506  
state assistance under sections 3318.01 to 3318.20 of the Revised 27507  
Code, adopt a resolution as specified in section 3318.06 of the 27508  
Revised Code to submit to the electors of the school district the 27509  
question of approval of a bond issue in order to pay any 27510  
additional amount of school district portion required for state 27511  
assistance. Any tax levy approved under division (D) of this 27512  
section satisfies the requirements to levy the additional tax 27513  
under section 3318.06 of the Revised Code. 27514

(2) If the amount of school district resources applied by the 27515  
school district board to the school district's portion of the 27516  
basic project cost under this section is more than the total 27517  
amount of such portion as recalculated under this division, within 27518  
one year after the school district's portion is recalculated under 27519  
division (E)(1) of this section the commission may grant to the 27520

school district the difference between the two calculated 27521  
portions, but at no time shall the commission expend any state 27522  
funds on a project in an amount greater than the state's portion 27523  
of the basic project cost as recalculated under this division. 27524

Any reimbursement under this division shall be only for local 27525  
resources the school district has applied toward construction cost 27526  
expenditures for the classroom facilities approved by the 27527  
commission, which shall not include any financing costs associated 27528  
with that construction. 27529

The school district board shall use any moneys reimbursed to 27530  
the district under this division to pay off any debt service the 27531  
district owes for classroom facilities constructed under its 27532  
project under this section before such moneys are applied to any 27533  
other purpose. However, the district board first may deposit 27534  
moneys reimbursed under this division into the district's general 27535  
fund or a permanent improvement fund to replace local resources 27536  
the district withdrew from those funds, as long as, and to the 27537  
extent that, those local resources were used by the district for 27538  
constructing classroom facilities included in the district's basic 27539  
project cost. 27540

(F) If a school district has entered into an agreement with 27541  
the commission under this section and the electors of the district 27542  
have approved a bond issue to pay the district's portion of the 27543  
basic project cost, the district shall not be ranked in a higher 27544  
percentile under section 3318.011 of the Revised Code than the 27545  
percentile in which the district was ranked on the date that the 27546  
bond issue was approved, regardless of the district's three-year 27547  
average adjusted valuation per pupil calculated under that section 27548  
for any subsequent fiscal year. 27549

Sec. 3318.47. (A) On the effective date of this section, the 27550  
director of budget and management shall transfer any amount on 27551



hand in the fund established under former section 3318.47 of the 27552  
Revised Code, as that section existed prior to the effective date 27553  
of this section, into the fund established under section 3318.15 27554  
of the Revised Code. 27555

(B) On or after the effective date of this section, any 27556  
amounts received from school districts in repayment of loans made 27557  
under former sections 3318.47 to 3318.49, as those sections 27558  
existed prior to the effective date of this section, shall be 27559  
deposited into the fund established under section 3318.15 of the 27560  
Revised Code. 27561

**Sec. 3319.55.** (A) A grant program is hereby established to 27562  
recognize and reward teachers in public and chartered nonpublic 27563  
schools who hold valid teaching certificates or licenses issued by 27564  
the national board for professional teaching standards. The 27565  
superintendent of public instruction shall administer this program 27566  
in accordance with this section and rules which the state board of 27567  
education shall adopt in accordance with Chapter 119. of the 27568  
Revised Code. 27569

In each fiscal year that the general assembly appropriates 27570  
funds for purposes of this section, the superintendent of public 27571  
instruction shall award a grant to each person who, by the first 27572  
day of April of that year and in accordance with the rules adopted 27573  
under this section, submits to the superintendent evidence 27574  
indicating ~~all~~ both of the following: 27575

(1) The person holds a valid certificate or license issued by 27576  
the national board for professional teaching standards; 27577

(2) The person has been employed full-time as a teacher by 27578  
the board of education of a school district or by a chartered 27579  
nonpublic school in this state during the current school year; 27580

~~(3) The date the person was accepted into the national board~~ 27581

~~certification or licensure program.~~ 27582

An individual may receive a grant under this section in each 27583  
fiscal year the person is eligible for a grant and submits 27584  
evidence of that eligibility in accordance with this section. No 27585  
person may receive a grant after the expiration of the person's 27586  
initial certification or license issued by the national board. 27587

(B) The amount of the grant awarded to each eligible person 27588  
under division (A) of this section in any fiscal year shall equal 27589  
~~the following:~~ 27590

~~(1) Two two thousand five hundred dollars for any teacher 27591  
accepted as a candidate for certification or licensure by the 27592  
national board on or before May 31, 2003, and issued a certificate 27593  
or license by the national board on or before December 31, 2004;~~ 27594

~~(2) One thousand dollars for any other teacher issued a 27595  
certificate or license by the national board.~~ 27596

~~However.~~ However, if the funds appropriated for purposes of 27597  
this section in any fiscal year are not sufficient to award the 27598  
full grant amount to each person who is eligible in that fiscal 27599  
year, the superintendent shall prorate the amount of the grant 27600  
awarded in that fiscal year to each eligible person. 27601

**Sec. 3321.03.** ~~Except~~ As used in this section and section 27602  
3321.04 of the Revised Code, "special education program" means a 27603  
school or the educational agency that provides special education 27604  
and related services to children with disabilities in accordance 27605  
with Chapter 3323. of the Revised Code. 27606

Except as provided in this section, the parent of a child of 27607  
compulsory school age shall cause such child to attend a school in 27608  
the school district in which the child is entitled to attend 27609  
school under division (B) or (F) of section 3313.64 or section 27610  
3313.65 of the Revised Code, to participate in a special education 27611

program under Chapter 3323. of the Revised Code, or to otherwise 27612  
cause ~~him~~ the child to be instructed in accordance with law. Every 27613  
child of compulsory school age shall attend a school or 27614  
participate in a special education program that conforms to the 27615  
minimum standards prescribed by the state board of education until 27616  
the child: 27617

(A) Receives a diploma granted by the board of education or 27618  
other governing authority, successfully completes the curriculum 27619  
of any high school, or successfully completes the individualized 27620  
education program developed for the student by any high school 27621  
pursuant to ~~section 3323.08~~ Chapter 3323. of the Revised Code; 27622

(B) Receives an age and schooling certificate as provided in 27623  
section 3331.01 of the Revised Code; or 27624

(C) Is excused from school under standards adopted by the 27625  
state board of education pursuant to section 3321.04 of the 27626  
Revised Code, or if in need of special education, ~~he~~ the child is 27627  
excused from such programs pursuant to section 3321.04 of the 27628  
Revised Code. 27629

**Sec. 3323.01.** As used in this chapter: 27630

(A) "Child with a disability" means a child who is at least 27631  
three years of age and less than twenty-two years of age; who has 27632  
mental retardation, a hearing impairment (including deafness), a 27633  
speech or language impairment, a visual impairment (including 27634  
blindness), a serious emotional disturbance, an orthopedic 27635  
impairment, autism, traumatic brain injury, an other health 27636  
impairment, a specific learning disability, deaf-blindness, or 27637  
multiple disabilities; and who, by reason thereof, needs special 27638  
education and related services. 27639

A "child with a disability" may include a child who is at 27640  
least three years of age and less than six years of age; who is 27641

experiencing developmental delays, as defined by standards adopted 27642  
by the state board of education and as measured by appropriate 27643  
diagnostic instruments and procedures in one or more of the 27644  
following areas: physical development, cognitive development, 27645  
communication development, social or emotional development, or 27646  
adaptive development; and who, by reason thereof, needs special 27647  
education and related services. 27648

(B) "County MR/DD board" means a county board of mental 27649  
retardation and developmental disabilities. 27650

(C) "Free appropriate public education" means special 27651  
education and related services that meet all of the following: 27652

(1) Are provided at public expense, under public supervision 27653  
and direction, and without charge; 27654

(2) Meet the standards of the state board of education; 27655

(3) Include an appropriate preschool, elementary, or 27656  
secondary education as otherwise provided by the law of this 27657  
state; 27658

(4) Are provided for each child with a disability in 27659  
conformity with the child's individualized education program. 27660

(D) "Homeless children" means "homeless children and youths" 27661  
as defined in section 725 of the "McKinney-Vento Homeless 27662  
Assistance Act," 42 U.S.C. 11434a. 27663

(E) "Individualized education program" or "IEP" means the 27664  
written statement described in section 3323.011 of the Revised 27665  
Code. 27666

(F) "Individualized education program team" or "IEP team" 27667  
means a group of individuals composed of: 27668

(1) The parents of a child with a disability; 27669

(2) At least one regular education teacher of the child, if 27670  
the child is or may be participating in the regular education 27671

<u>environment;</u>	27672
<u>(3) At least one special education teacher, or where</u>	27673
<u>appropriate, at least one special education provider of the child;</u>	27674
<u>(4) A representative of the school district who meets all of</u>	27675
<u>the following:</u>	27676
<u>(a) Is qualified to provide, or supervise the provision of,</u>	27677
<u>specially designed instruction to meet the unique needs of</u>	27678
<u>children with disabilities;</u>	27679
<u>(b) Is knowledgeable about the general education curriculum;</u>	27680
<u>(c) Is knowledgeable about the availability of resources of</u>	27681
<u>the school district.</u>	27682
<u>(5) An individual who can interpret the instructional</u>	27683
<u>implications of evaluation results, who may be a member of the</u>	27684
<u>team as described in divisions (F)(2) to (4) of this section;</u>	27685
<u>(6) At the discretion of the parent or the school district,</u>	27686
<u>other individuals who have knowledge or special expertise</u>	27687
<u>regarding the child, including related services personnel as</u>	27688
<u>appropriate;</u>	27689
<u>(7) Whenever appropriate, the child with a disability.</u>	27690
<u>(G) "Instruction in braille reading and writing" means the</u>	27691
<u>teaching of the system of reading and writing through touch</u>	27692
<u>commonly known as standard English braille.</u>	27693
<u>(H) "Other educational agency" means a department, division,</u>	27694
<u>bureau, office, institution, board, commission, committee,</u>	27695
<u>authority, or other state or local agency, which is not a city,</u>	27696
<u>local, or exempted village school district or an agency</u>	27697
<u>administered by the department of mental retardation and</u>	27698
<u>developmental disabilities, that provides or seeks to provide</u>	27699
<u>special education or related services to children with</u>	27700
<u>disabilities. The term "other educational agency" includes a joint</u>	27701

<u>vocational school district.</u>	27702
<u>(I) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:</u>	27703
<u>(1) A natural or adoptive parent of a child but not a foster parent of a child;</u>	27704
<u>(2) A guardian, but not the state if the child is a ward of the state;</u>	27705
<u>(3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;</u>	27706
<u>(4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.</u>	27707
<u>(J) "Preschool child with a disability" means a child with a disability who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.</u>	27708
<u>(K) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to</u>	27709
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assist a child with a disability to benefit from special 27733  
education, and includes the early identification and assessment of 27734  
disabling conditions in children. "Related services" does not 27735  
include a medical device that is surgically implanted, or the 27736  
replacement of such device. 27737

(L) "School district" means a city, local, or exempted 27738  
village school district. 27739

(M) "School district of residence," as used in sections 27740  
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 27741  
means: 27742

(1) The school district in which the child's natural or 27743  
adoptive parents reside; 27744

(2) If the school district specified in division (M)(1) of 27745  
this section cannot be determined, the last school district in 27746  
which the child's natural or adoptive parents are known to have 27747  
resided if the parents' whereabouts are unknown; 27748

(3) If the school district specified in division (M)(2) of 27749  
this section cannot be determined, the school district determined 27750  
under section 2151.362 of the Revised Code, or if no district has 27751  
been so determined, the school district as determined by the 27752  
probate court of the county in which the child resides. 27753

(4) Notwithstanding divisions (M)(1) to (3) of this section, 27754  
if a school district is required by section 3313.65 of the Revised 27755  
Code to pay tuition for a child, that district shall be the 27756  
child's school district of residence. 27757

(N) "Special education" means specially designed instruction, 27758  
at no cost to parents, to meet the unique needs of a child with a 27759  
disability. "Special education" includes instruction conducted in 27760  
the classroom, in the home, in hospitals and institutions, and in 27761  
other settings, including an early childhood education setting, 27762  
and instruction in physical education. 27763

(O) "Student with a visual impairment" means any person who is less than twenty-two years of age and who has a visual impairment as that term is defined in this section. 27764  
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(P) "Transition services" means a coordinated set of activities for a child with a disability that meet all of the following: 27767  
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(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living; or community participation; 27770  
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(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; 27777  
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(3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. 27779  
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"Transition services" for children with disabilities may be special education, if provided as specially designed instruction, or may be a related service, if required to assist a child with a disability to benefit from special education. 27783  
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(O) "Visual impairment" for any individual means that one of the following applies to the individual: 27787  
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(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees. 27789  
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(2) The individual has a medically indicated expectation of 27793



meeting the requirements of division (O)(1) of this section over a period of time. 27794  
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(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level. 27796  
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(R) "Ward of the state" has the same meaning as in section 602(36) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1401(36). 27801  
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Sec. 3323.011. As used in this chapter, "individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this definition and that includes: 27804  
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(A) A statement of the child's present levels of academic achievement and functional performance, including: 27808  
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(1) How the child's disability affects the child's involvement and progress in the general education curriculum; 27810  
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(2) For a preschool child with a disability, as appropriate, how the disability affects the child's participation in appropriate activities; 27812  
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27814

(3) For a child with a disability who is not a preschool child and who will take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives. 27815  
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(B) A statement of measurable annual goals, including academic and functional goals and, at the discretion of the department of education, short-term instructional objectives that are designed to: 27819  
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(1) Meet the child's needs that result from the child's 27823

<u>disability so as to enable the child to be involved in and make</u>	27824
<u>progress in the general education curriculum;</u>	27825
<u>(2) Meet each of the child's other educational needs that</u>	27826
<u>result from the child's disability.</u>	27827
<u>(C) A description of how the child's progress toward meeting</u>	27828
<u>the annual goals described pursuant to division (B) of this</u>	27829
<u>section will be measured and when periodic reports on the progress</u>	27830
<u>the child is making toward meeting the annual goals will be</u>	27831
<u>provided. Such reports may be quarterly or other periodic reports</u>	27832
<u>that are issued concurrent with the issuance of regular report</u>	27833
<u>cards.</u>	27834
<u>(D) A statement of the special education and related services</u>	27835
<u>and supplementary aids and services, based on peer-reviewed</u>	27836
<u>research to the extent practicable, to be provided to the child,</u>	27837
<u>or on behalf of the child, and a statement of the program</u>	27838
<u>modifications or supports for school personnel that will be</u>	27839
<u>provided for the child so that the child may:</u>	27840
<u>(1) Advance appropriately toward attaining the annual goals</u>	27841
<u>described pursuant to division (B) of this section;</u>	27842
<u>(2) Be involved in and make progress in the general education</u>	27843
<u>curriculum and participate in extracurricular and other</u>	27844
<u>nonacademic activities;</u>	27845
<u>(3) Be educated with and participate with both other children</u>	27846
<u>with disabilities and nondisabled children in the specific</u>	27847
<u>activities described pursuant to division (D) of this section.</u>	27848
<u>(E) An explanation of the extent, if any, to which the child</u>	27849
<u>will not participate with nondisabled children in the regular</u>	27850
<u>class, including an early childhood education setting, and in the</u>	27851
<u>activities described pursuant to division (D) of this section;</u>	27852
<u>(F) A statement of any individual appropriate accommodations</u>	27853

that are necessary to measure the academic achievement and 27854  
functional performance of the child on state and districtwide 27855  
assessments consistent with section 612(a)(16) of the "Individuals 27856  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 27857  
1412(a)(16). If the IEP team determines that the child shall take 27858  
an alternate assessment on a particular state or districtwide 27859  
assessment of student achievement, the IEP shall contain a 27860  
statement of why the child cannot participate in the regular 27861  
assessment and why the particular alternate assessment selected is 27862  
appropriate for the child. 27863

(G) The projected date for the beginning of the services and 27864  
modifications described pursuant to division (D) of this section 27865  
and the anticipated frequency, location, and duration of those 27866  
services and modifications; 27867

(H) Beginning not later than the first IEP to be in effect 27868  
when the child is sixteen years of age, and updated annually 27869  
thereafter, a statement describing: 27870

(1) Appropriate measurable post-secondary goals based upon 27871  
age-appropriate transition assessments related to training, 27872  
education, employment, and independent living skills; 27873

(2) The transition services, including courses of study, 27874  
needed to assist the child in reaching the goals described in 27875  
division (H)(1) of this section. 27876

(I) Beginning not later than one year before the child 27877  
reaches eighteen years of age, a statement that the child has been 27878  
informed of the child's rights under Title XX of the United States 27879  
Code that will transfer to the child on reaching eighteen years of 27880  
age in accordance with section 615(m) of the "Individuals with 27881  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 27882  
1415(m). 27883

Nothing in this section shall be construed to require that 27884

additional information be included in a child's IEP beyond the 27885  
items explicitly required by this section and that the IEP team 27886  
include information under one component of a child's IEP that is 27887  
already contained under another component of the IEP. 27888

**Sec. ~~3323.011~~ 3323.013.** (A) The individualized education 27889  
program required for any student with a visual ~~disability~~ 27890  
impairment under this chapter shall include the following, in 27891  
addition to the statements required pursuant to ~~division (E) of~~ 27892  
section ~~3323.01~~ 3323.011 of the Revised Code: 27893

(1) A statement that instruction in braille reading and 27894  
writing was carefully considered for the student and that 27895  
pertinent literature describing the educational benefits of 27896  
instruction in braille reading and writing was reviewed by the 27897  
persons developing the student's individualized education program; 27898

(2) A statement specifying the one or more reading and 27899  
writing media in which instruction is appropriate for the 27900  
student's educational needs; 27901

(3) If instruction in braille reading and writing is 27902  
specified as appropriate for the student pursuant to division 27903  
(A)(2) of this section, a statement of the instruction in braille 27904  
reading and writing that is to be provided to the student. This 27905  
statement shall specify the date on which the instruction is to 27906  
commence, the frequency and duration of instruction sessions, the 27907  
level of competency in braille reading and writing expected to be 27908  
achieved annually, and the objective assessment measures to be 27909  
used. Whenever appropriate, the expected level of braille 27910  
competency for the student shall be to enable the student to 27911  
communicate effectively and efficiently with the same level of 27912  
proficiency expected of the student's peers of comparable ability 27913  
and grade level and the instruction in braille reading and writing 27914  
that is to be provided shall be designed accordingly. 27915

(B) If the individualized education program for any student with a visual ~~disability~~ impairment does not specify instruction in braille reading and writing as appropriate for the student pursuant to division (A)(2) of this section, each annual review of that student's individualized education program, ~~as provided pursuant to division (C) of section 3323.08 of the Revised Code,~~ shall include a written statement specifying the reasons why instruction in braille reading and writing is not appropriate for the student.

(C)(1) No student with a visual ~~disability~~ impairment shall be denied instruction in braille reading and writing pursuant to this section solely because the student has some remaining vision or because the student is to receive reading and writing instruction in another medium.

(2) Nothing in this section shall be construed to require the exclusive use of instruction through the medium of braille reading and writing if other reading and writing media are appropriate to a student's educational needs.

(D) Any instruction in braille reading and writing provided to any student with a visual ~~disability~~ impairment pursuant to division (A)(3) of this section shall be provided by a teacher licensed to teach students with visual ~~disabilities~~ impairments.

Sec. 3323.014. If an agency other than the school district responsible for a child's IEP fails to provide the transition services described in the IEP, the school district that is responsible for the IEP shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the child's IEP.

Sec. 3323.02. ~~It~~ As used in this section, "IDEIA" means the "Individuals with Disabilities Education Improvement Act of 2004,"

Pub. L. No. 108-446. 27946

It is the purpose of this chapter to assure ensure that all 27947  
handicapped children three to twenty one years of age in this 27948  
state shall be provided with an with disabilities residing in this 27949  
state who are at least three years of age and less than twenty-two 27950  
years of age, including children with disabilities who have been 27951  
suspended or expelled from school, have available to them a free 27952  
appropriate public education. No educational program for 27953  
handicapped children shall be operated except in accordance with 27954  
procedures, standards, and guidelines adopted by the state board 27955  
of education, and no school district, county board of mental 27956  
retardation and developmental disabilities, or other educational 27957  
agency shall receive state or federal funds for a special 27958  
education program unless such program is operated in accordance 27959  
with all procedures, standards, and guidelines adopted by the 27960  
state board. The state board of education shall establish 27961  
standards for special education and related services for all 27962  
handicapped children in the state, regardless of the severity of 27963  
their handicap school district, county MR/DD board, or other 27964  
educational agency shall receive state or federal funds for 27965  
special education and related services unless those services for 27966  
children with disabilities are provided in accordance with IDEIA 27967  
and related provisions of the Code of Federal Regulations, the 27968  
provisions of this chapter, rules and standards adopted by the 27969  
state board of education, and any procedures or guidelines issued 27970  
by the superintendent of public instruction. Any options or 27971  
discretion provided to the state by IDEIA may be exercised in 27972  
state law or in rules or standards adopted by the state board of 27973  
education. 27974

The state board of education shall establish rules or 27975  
standards for the provision of special education and related 27976  
services for all children with disabilities who are at least three 27977

years of age and less than twenty-two years of age residing in the 27978  
state, regardless of the severity of their disabilities, including 27979  
children with disabilities who have been suspended or expelled 27980  
from school. The state law and the rules or standards of the state 27981  
board of education may impose requirements that are not required 27982  
by IDEIA or related provisions of the Code of Federal Regulations. 27983  
The school district of residence is responsible, in all instances, 27984  
for ensuring that the requirements of Part B of IDEIA are met for 27985  
every eligible child in its jurisdiction, regardless of whether 27986  
services are provided by another school district, other 27987  
educational agency, or other agency, department, or entity, unless 27988  
IDEIA or related provisions of the Code of Federal Regulations, 27989  
another section of this chapter, or a rule adopted by the state 27990  
board of education specifies that another school district, other 27991  
educational agency, or other agency, department, or entity is 27992  
responsible for ensuring compliance with Part B of IDEIA. 27993

Notwithstanding division (A)(4) of section 3301.53 of the 27994  
Revised Code and any rules adopted pursuant to that section and 27995  
division (A) of section 3313.646 of the Revised Code, a board of 27996  
education of a school district may ~~operate an educational program~~ 27997  
~~for handicapped~~ provide special education and related services for 27998  
preschool children with disabilities in accordance with this 27999  
chapter and section 3301.52, divisions (A)(1) to (3) and (A)(5) 28000  
and (6) of section 3301.53, and sections 3301.54 to ~~3301.57~~ 28001  
3301.59 of the Revised Code. 28002

The ~~state board of education~~ superintendent of public 28003  
instruction may require any state or local agency to provide 28004  
documentation that ~~programs for handicapped children operated~~ 28005  
special education and related services for children with 28006  
disabilities provided by the agency are in compliance with the 28007  
requirements of this chapter. 28008

Not later than the first day of February of each year the 28009

superintendent of public instruction shall furnish the ~~chairmen~~ 28010  
chairpersons of the education committees of the house of 28011  
representatives and the senate with a report on the status of 28012  
implementation of ~~programs and~~ special education and related 28013  
services for ~~handicapped~~ children with disabilities required by 28014  
this chapter. The report shall include but shall not be limited to 28015  
the following items: the most recent available figures on the 28016  
number of children identified as ~~handicapped~~, ~~the number of~~ 28017  
~~persons placed in appropriate special education programs, and a~~ 28018  
~~summary of the reasons for nonplacement of identified persons~~ 28019  
children with disabilities and the number of identified children 28020  
receiving special education and related services. The information 28021  
contained in these reports shall be public information. 28022

**Sec. 3323.03.** The state board of education shall, in 28023  
consultation with the department of health, the department of 28024  
mental health, and the department of mental retardation and 28025  
developmental disabilities, establish standards and procedures for 28026  
the identification, location, and evaluation of all ~~handicapped~~ 28027  
children with disabilities residing in the state, including 28028  
children with disabilities who are homeless children or are wards 28029  
of the state and children with disabilities attending nonpublic 28030  
schools, regardless of the severity of their ~~handicap. No single~~ 28031  
~~method, device, or evaluation criterion shall be the sole~~ 28032  
~~eriterion for determining an appropriate educational program for a~~ 28033  
~~handicapped child. The state board shall require the~~ disabilities, 28034  
and who are in need of special education and related services. The 28035  
state board shall develop and implement a practical method to 28036  
determine which children with disabilities are currently receiving 28037  
needed special education and related services. 28038

In conducting the evaluation, the board of education of each 28039  
school district shall use a variety of assessment tools and 28040  
strategies to gather relevant functional, developmental, and 28041



academic information about the child, including information 28042  
provided by the child's parent. The board of education of each 28043  
school district, in consultation with the county ~~boards of mental~~ 28044  
~~retardation and developmental disabilities and the boards~~ MR/DD 28045  
board, the county family and children first council, and the board 28046  
of alcohol, drug addiction, and mental health services of each 28047  
county in which the school district has territory, ~~to~~ shall 28048  
identify, locate, and evaluate all ~~handicapped~~ children with 28049  
disabilities residing within the district to determine which 28050  
~~handicapped~~ children with disabilities are not receiving 28051  
appropriate special education and related services. In addition, 28052  
the board of education of each school district, in consultation 28053  
with such county boards or council, shall identify, locate, and 28054  
evaluate all children with disabilities who are enrolled by their 28055  
parents in nonpublic elementary and secondary schools located 28056  
within the public school district, without regard to where those 28057  
children reside in accordance with rules of the state board of 28058  
education or guidelines of the superintendent of public 28059  
instruction. 28060

~~County boards of mental retardation and developmental~~ 28061  
~~disabilities and boards~~ Each county MR/DD board, county family and 28062  
children first council, and board of alcohol, drug addiction, and 28063  
mental health services and ~~their~~ the board's or council's contract 28064  
agencies may transmit to boards of education the names and 28065  
addresses of ~~handicapped~~ children with disabilities who are not 28066  
receiving appropriate special education and related services. 28067

**Sec. 3323.031.** The board of education of each school district 28068  
shall annually assess the reading and writing skills of each 28069  
student with a visual ~~disability~~ impairment enrolled in the 28070  
district in each medium in which instruction is specified as 28071  
appropriate for the student pursuant to division (A)(2) of section 28072  
~~3323.011~~ 3323.013 of the Revised Code. The results of each 28073

assessment shall be provided in a written statement that specifies 28074  
the student's strengths and weaknesses in each medium assessed. 28075

**Sec. 3323.04.** The state board of education, in consultation 28076  
with the department of mental health and the department of mental 28077  
retardation and developmental disabilities, shall establish 28078  
procedures and standards for the ~~placement of handicapped children~~ 28079  
~~in appropriate educational programs~~ development of individualized 28080  
education programs for children with disabilities. 28081

The state board shall require the board of education of each 28082  
school district to ~~place each handicapped child three to~~ 28083  
~~twenty one years of age residing within the district in an~~ 28084  
~~appropriate education program in accordance with section 3319.01~~ 28085  
~~of the Revised Code, which may include instruction in regular~~ 28086  
~~classes, a special education program, or any combination thereof.~~ 28087  
Prior develop an individualized education program for each child 28088  
with a disability who is at least three years of age and less than 28089  
twenty-two years of age residing in the district in a manner that 28090  
is in accordance with rules of the state board. 28091

Prior to the placement of a handicapped child with a 28092  
disability in a program operated under section 3323.09 of the 28093  
Revised Code, the district board of education shall consult the 28094  
county MR/DD board of ~~mental retardation and developmental~~ 28095  
~~disabilities~~ of the county in which the child resides. ~~The board~~ 28096  
~~of education shall evaluate the educational placement of each~~ 28097  
~~handicapped child at least once each year~~ regarding the proposed 28098  
placement. 28099

A child with a disability enrolled in a nonpublic school or 28100  
facility shall be provided special education and related services, 28101  
in accordance with an individualized education program, at no cost 28102  
for those services, if the child is placed in, or referred to, 28103  
that nonpublic school or facility by the department of education 28104

or a school district. 28105

The IEP team shall review the individualized education 28106  
program of each child with a disability periodically, but at least 28107  
annually, to determine whether the annual goals for the child are 28108  
being achieved, and shall revise the individualized education 28109  
program as appropriate. 28110

The state board shall establish procedures and standards to 28111  
assure that to the maximum extent appropriate, ~~handicapped~~ 28112  
children with disabilities, including children in public or 28113  
private institutions or other care facilities, shall be educated 28114  
with children who are not ~~handicapped disabled~~. Special classes, 28115  
separate schools, or other removal of children with disabilities 28116  
from the regular educational environment shall be used only when 28117  
the nature or severity of a child's disability is such that 28118  
education in regular classes with supplementary aids and services 28119  
cannot be achieved satisfactorily. 28120

If an agency directly affected by a placement decision 28121  
objects to such decision, an ~~independent~~ impartial hearing 28122  
officer, appointed by the ~~school district and the objecting agency~~ 28123  
department of education from a list prepared by the ~~state~~ 28124  
~~department of education in consultation with the department of~~ 28125  
~~mental health or the department of mental retardation and~~ 28126  
~~developmental disabilities~~, shall conduct a hearing to review the 28127  
placement decision. The agencies that are parties to a hearing 28128  
shall divide the costs of such hearing equally. The decision of 28129  
the hearing officer shall be final, except that any party to the 28130  
hearing who is aggrieved by the findings or the decision of the 28131  
hearing officer may appeal the findings or decision in accordance 28132  
with division (H) of section 3323.05 of the Revised Code or the 28133  
parent of any child affected by such decision or his parents may 28134  
present a complaint in accordance with that ~~section 3323.05 of the~~ 28135  
~~Revised Code.~~ 28136

Sec. 3323.041. To the extent consistent with the number and 28137  
location of children with disabilities in the state who are 28138  
enrolled by their parents in nonpublic elementary and secondary 28139  
schools in the school district served by a board of education of a 28140  
school district, provision is made for the participation of those 28141  
children in the program for the education of children with 28142  
disabilities which is assisted or carried out under Part B of the 28143  
Individuals with Disabilities Education Improvement Act of 2004, 28144  
P.L. 108-446. The district in which the nonpublic elementary or 28145  
secondary school is located shall provide for such children 28146  
special education and related services in accordance with Section 28147  
612(a)(10) of the Individuals with Disabilities Education 28148  
Improvement Act of 2004, 20 U.S.C. 1412(a)(10) and related 28149  
provisions of the Code of Federal Regulations and in accordance 28150  
with any rules adopted by the state board of education or 28151  
guidelines issued by the superintendent of public instruction. 28152

Amounts to be expended for the provision of those services, 28153  
including direct services to parentally placed nonpublic school 28154  
children, by the school district shall be equal to a proportionate 28155  
amount of federal funds made available under Part B of the 28156  
Individuals with Disabilities Education Improvement Act of 2004. 28157  
The school district shall exercise the following responsibilities 28158  
towards parentally placed children with disabilities who attend 28159  
nonpublic schools located in the school district: child find, 28160  
timely and meaningful consultation, written affirmation of timely 28161  
and meaningful consultation, compliance, and provision of 28162  
equitable services, as provided by the Individuals with 28163  
Disabilities Education Improvement Act of 2004 and related 28164  
provisions of the Code of Federal Regulations and in accordance 28165  
with any rules adopted by the state board of education or 28166  
guidelines issued by the superintendent of public instruction. 28167

Sec. 3323.05. The state board of education shall establish 28168  
procedures to ~~assure~~ ensure that ~~handicapped~~ children with 28169  
disabilities and their parents are guaranteed procedural 28170  
safeguards ~~in decisions~~ under this chapter ~~relating to the~~ 28171  
~~identification, evaluation, or educational placement of a~~ 28172  
~~handicapped child or the provision of education or related~~ 28173  
~~services under this chapter~~ with respect to a free appropriate 28174  
public education. 28175

The procedures shall include, but need not be limited to: 28176

(A) An opportunity for the parents of a child with a 28177  
disability to examine all ~~relevant~~ records related to the child 28178  
and to participate in meetings with respect to identification, 28179  
evaluation, ~~or~~ and educational placement of the child, and to 28180  
obtain ~~at their own expense~~ an independent educational evaluation 28181  
of the child; 28182

(B) Procedures to protect the rights of the child ~~when~~ 28183  
whenever the parents of the child are ~~unknown or unavailable~~ not 28184  
known, an agency after making reasonable efforts cannot find the 28185  
parents, or ~~when~~ the child is a ward of the state, including the 28186  
assignment, in accordance with section 3323.051 of the Revised 28187  
Code, of an individual to act as a surrogate for the parents; 28188

(C) Prior written notice to the child's parents of ~~any~~ a 28189  
school district's proposal or refusal to initiate or change the 28190  
identification, evaluation, or educational placement of the child, 28191  
~~including notice of all procedures available under this section.~~ 28192  
~~The state board of education may establish procedures to provide~~ 28193  
~~for the written acknowledgment by the parent of a notice of a~~ 28194  
~~child's placement or change of placement. In cases when no written~~ 28195  
~~acknowledgment has been obtained, notice of placement or change of~~ 28196  
~~placement shall be made by certified mail. A parent's~~ 28197  
~~acknowledgment under this division does not negate his rights to~~ 28198

~~present complaints and appeal a placement decision under this~~ 28199  
~~section or the provision of a free appropriate education for the~~ 28200  
~~child. The procedures established under this division shall:~~ 28201

(1) Be designed to ensure that the written prior notice is in 28202  
the native language of the parents, unless it clearly is not 28203  
feasible to do so. 28204

(2) Specify that the prior written notice shall include: 28205

(a) A description of the action proposed or refused by the 28206  
district; 28207

(b) An explanation of why the district proposes or refuses to 28208  
take the action and a description of each evaluation procedure, 28209  
assessment, record, or report the district used as a basis for the 28210  
proposed or refused action; 28211

(c) A statement that the parents of a child with a disability 28212  
have protection under the procedural safeguards and, if the notice 28213  
is not in regard to an initial referral for evaluation, the means 28214  
by which a copy of a description of the procedural safeguards can 28215  
be obtained; 28216

(d) Sources for parents to contact to obtain assistance in 28217  
understanding the provisions of Part B of the "Individuals with 28218  
Disabilities Education Improvement Act of 2004"; 28219

(e) A description of other options considered by the IEP team 28220  
and the reason why those options were rejected; 28221

(f) A description of the factors that are relevant to the 28222  
agency's proposal or refusal. 28223

(D) An opportunity for the ~~child or his~~ child's parents to 28224  
present complaints to the superintendent of the child's school 28225  
district of residence with respect to any matter relating to the 28226  
identification, evaluation, or educational placement of the child, 28227  
or the provision of ~~special education~~ a free appropriate public 28228

~~education under this chapter to the superintendent of the school 28229  
district of the child's residence. Upon presentation of a 28230  
complaint, the superintendent shall review the case, may conduct 28231  
an informal hearing, and shall notify all parties of his decision. 28232  
Where the child is placed in a program operated by a county board 28233  
of mental retardation and developmental disabilities or other 28234  
educational agency, the superintendent shall consult with the 28235  
administrator of the agency involved. Any party aggrieved by the 28236  
decision of the superintendent may present a formal complaint in 28237  
writing to the board of education. 28238~~

~~(E) When a formal written complaint is received, an 28239  
opportunity for the aggrieved party to receive a due process 28240  
hearing conducted by an impartial hearing officer in accordance 28241  
with standards and procedures adopted by the state board of 28242  
education. No hearing shall be conducted by an employee of the 28243  
board of education or any agency involved in the education or care 28244  
of the child. 28245~~

~~A Within twenty school days after receipt of a complaint, the 28246  
district superintendent or the superintendent's designee, without 28247  
undue delay and at a time and place convenient to all parties, 28248  
shall review the case, may conduct an administrative review, and 28249  
shall notify all parties in writing of the superintendent's or 28250  
designee's decision. Where the child is placed in a program 28251  
operated by a county MR/DD board or other educational agency, the 28252  
superintendent shall consult with the administrator of that county 28253  
MR/DD board or agency. 28254~~

~~Any party aggrieved by the decision of the district 28255  
superintendent or the superintendent's designee may file a 28256  
complaint with the state board as provided under division (E) of 28257  
this section, request mediation as provided under division (F) of 28258  
this section, or present a due process complaint notice and 28259  
request for a due process hearing in writing to the superintendent 28260~~

of the district, with a copy to the state board, as provided under 28261  
division (G) of this section. 28262

(E) An opportunity for a party to file a complaint with the 28263  
state board of education with respect to the identification, 28264  
evaluation, or educational placement of the child, or the 28265  
provision of a free appropriate public education to such child. 28266  
The department of education shall review and, where appropriate, 28267  
investigate the complaint and issue findings. 28268

(F) An opportunity for parents and a school district to 28269  
resolve through mediation disputes involving any matter. 28270

(1) The procedures established under this section shall 28271  
ensure that the mediation process is voluntary on the part of the 28272  
parties, is not used to deny or delay a parent's right to a due 28273  
process hearing or to deny any other rights afforded under this 28274  
chapter, and is conducted by a qualified and impartial mediator 28275  
who is trained in effective mediation techniques. 28276

(2) A school district may establish procedures to offer to 28277  
parents and schools that choose not to use the mediation process, 28278  
an opportunity to meet, at a time and location convenient to the 28279  
parents, with a disinterested party to encourage the use, and 28280  
explain the benefits, of the mediation process to the parents. The 28281  
disinterested party shall be an individual who is under contract 28282  
with a parent training and information center or community parent 28283  
resource center in the state or is under contract with an 28284  
appropriate alternative dispute resolution entity. 28285

(3) The department shall maintain a list of individuals who 28286  
are qualified mediators and knowledgeable in laws and regulations 28287  
relating to the provision of special education and related 28288  
services. 28289

(4) The department shall bear the cost of the mediation 28290  
process, including the costs of meetings described in division 28291



<u>(F)(2) of this section.</u>	28292
<u>(5) Each session in the mediation process shall be scheduled</u>	28293
<u>in a timely manner and shall be held in a location that is</u>	28294
<u>convenient to the parties to the dispute.</u>	28295
<u>(6) Discussions that occur during the mediation process shall</u>	28296
<u>be confidential and shall not be used as evidence in any</u>	28297
<u>subsequent due process hearing or civil proceeding.</u>	28298
<u>(7) In the case that a resolution is reached to resolve the</u>	28299
<u>complaint through the mediation process, the parties shall execute</u>	28300
<u>a legally binding agreement that sets forth the resolution and</u>	28301
<u>that:</u>	28302
<u>(a) States that all discussions that occurred during the</u>	28303
<u>mediation process shall be confidential and shall not be used as</u>	28304
<u>evidence in any subsequent due process hearing or civil</u>	28305
<u>proceeding;</u>	28306
<u>(b) Is signed by both the parent and a representative for the</u>	28307
<u>school district who has the authority to bind the district;</u>	28308
<u>(c) Is enforceable in any state court of competent</u>	28309
<u>jurisdiction or in a district court of the United States.</u>	28310
<u>(G)(1) An opportunity for parents or a school district to</u>	28311
<u>present a due process complaint and request for a due process</u>	28312
<u>hearing to the superintendent of the school district of the</u>	28313
<u>child's residence with respect to the identification, evaluation,</u>	28314
<u>or educational placement of the child, or the provision of a free</u>	28315
<u>appropriate public education to the child. The party presenting</u>	28316
<u>the due process complaint and request for a due process hearing</u>	28317
<u>shall provide due process complaint notice to the other party and</u>	28318
<u>forward a copy of the notice to the state board. The due process</u>	28319
<u>complaint notice shall include:</u>	28320
<u>(a) The name of the child, the address of the residence of</u>	28321

the child, or the available contact information in the case of a 28322  
homeless child, and the name of the school the child is attending; 28323

(b) A description of the nature of the problem of the child 28324  
relating to the proposed initiation or change, including facts 28325  
relating to the problem; 28326

(c) A proposed resolution of the problem to the extent known 28327  
and available to the party at the time. 28328

A party shall not have a due process hearing until the party, 28329  
or the attorney representing the party, files a notice that meets 28330  
the requirement for filing a due process complaint notice. 28331

A due process hearing shall be conducted by an impartial 28332  
hearing officer in accordance with standards and procedures 28333  
adopted by the state board. A hearing officer shall not be an 28334  
employee of the state board or any agency involved in the 28335  
education or care of the child or a person having a personal or 28336  
professional interest that conflicts with the person's objectivity 28337  
in the hearing. A hearing officer shall possess knowledge of, and 28338  
the ability to understand, the provisions of the "Individuals with 28339  
Disabilities Education Improvement Act of 2004," federal and state 28340  
regulations pertaining to that act, and legal interpretations of 28341  
that act by federal and state courts; possess the knowledge and 28342  
ability to conduct hearings in accordance with appropriate 28343  
standard legal practice; and possess the knowledge and ability to 28344  
render and write decisions in accordance with appropriate standard 28345  
legal practice. The due process requirements of section 615 of the 28346  
"Individuals with Disabilities Education Improvement Act of 2004," 28347  
20 U.S.C. 1415, apply to due process complaint notices and 28348  
requests for due process hearings and to due process hearings held 28349  
under division (G) of this section, including, but not limited to, 28350  
timelines for requesting hearings, requirements for sufficient 28351  
complaint notices, resolution sessions, and sufficiency and 28352  
hearing decisions. 28353

(2) Discussions that occur during a resolution session shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. If a resolution to the dispute is reached at a resolution session, the parties must execute a legally binding written settlement agreement which shall state that all discussions that occurred during the resolution process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 28354  
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(3) A party to a hearing under ~~this~~ division (G) of this section shall be accorded: 28363  
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~~(1)~~(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of ~~handicapped~~ children with disabilities; 28365  
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~~(2)~~(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses; 28368  
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~~(3)~~(c) The right to a written or electronic verbatim record of ~~such~~ the hearing; 28370  
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~~(4)~~(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. 28372  
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~~(F)~~(H) An opportunity for any party aggrieved by the findings and decision rendered in a hearing under division ~~(F)~~(G) of this section to appeal within forty-five days of notification of the 28382  
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decision to the state board of ~~education~~, which shall appoint a 28385  
~~reviewing state level~~ officer who shall review the case and issue 28386  
a final order. The ~~reviewing state level~~ officer shall be 28387  
appointed and shall review the case in accordance with standards 28388  
and procedures adopted by the state board. 28389

Any party aggrieved by the final order of the ~~reviewing state~~ 28390  
level officer may appeal the final order, in accordance with 28391  
Chapter 119. of the Revised Code, within forty-five days ~~of~~ after 28392  
notification of the order to the court of common pleas of the 28393  
county in which the child's school district of residence is 28394  
located, ~~under Chapter 119. of the Revised Code~~ or to a district 28395  
court of the United States within ninety days after the date of 28396  
the decision of the state level review officer, as provided in 28397  
section 615(i)(2) of the "Individuals with Disabilities Education 28398  
Improvement Act of 2004," 20 U.S.C. 1415(i)(2). 28399

**Sec. 3323.051.** No individual shall be assigned to act as a 28400  
surrogate ~~parent~~ for the parents of a child with a disability 28401  
under division (B) of section 3323.05 of the Revised Code if ~~he~~ 28402  
the individual is an employee of the department of education or 28403  
the school district or any other agency involved in the education 28404  
or care of the child or if ~~he~~ the individual has any interest that 28405  
conflicts with the interests of the child. If a conflict of 28406  
interest arises subsequent to the assignment of a surrogate 28407  
~~parent~~, the authority that made the assignment shall terminate it 28408  
and assign another surrogate ~~parent~~. Neither the surrogate ~~parent~~ 28409  
nor the authority that assigned ~~him~~ the surrogate shall be liable 28410  
in civil damages for acts of the surrogate ~~parent~~ unless such acts 28411  
constitute willful or wanton misconduct. 28412

**Sec. 3323.052.** Not later than January 31, 2008, the 28413  
department of education shall develop a document that compares a 28414  
parent's and child's rights under this chapter and 20 U.S.C. 1400 28415

et seq. with the parent's and child's rights under the special 28416  
education scholarship pilot program, established in sections 28417  
3310.51 to 3310.63 of the Revised Code, including the deadline for 28418  
application for a scholarship or renewal of a scholarship and 28419  
notice of that application to the child's school district, 28420  
prescribed in division (C) of section 3310.52 of the Revised Code, 28421  
and the provisions of divisions (A) and (B) of section 3310.53 of 28422  
the Revised Code. The department shall revise that document as 28423  
necessary to reflect any pertinent changes in state or federal 28424  
statutory law, rule, or regulation enacted or adopted after the 28425  
initial document is developed. The department and each school 28426  
district shall ensure that the document prescribed in this section 28427  
is included in, appended to, or otherwise distributed in 28428  
conjunction with the notice required under 20 U.S.C. 1415(d), and 28429  
any provision of the Code of Federal Regulations implementing that 28430  
requirement, in the manner and at all the times specified for such 28431  
notice in federal law or regulation. As used in this section, a 28432  
"child's school district" means the school district in which the 28433  
child is entitled to attend school under section 3313.64 or 28434  
3313.65 of the Revised Code. 28435

**Sec. 3323.06.** (A) The state board of education shall develop, 28436  
implement, provide general supervision of, and assure compliance 28437  
with a state plan for the following: 28438

(1) The identification, location, and evaluation of all 28439  
children with disabilities in the state; 28440

(2) The provision of special education and related services 28441  
to ensure a free appropriate public education for all children 28442  
with disabilities at least three years of age and less than 28443  
twenty-two years of age, including children with disabilities who 28444  
have been suspended or expelled from school; 28445

(3) The availability of special education and related 28446

services for children with disabilities under three years of age, 28447  
as authorized by division (C) of this section and as specified in 28448  
rules of the state board. 28449

The state plan shall provide assurances that the state board 28450  
has in effect policies and procedures to ensure that the state 28451  
meets the conditions specified in section 612 of the "Individuals 28452  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 28453  
1412. 28454

(B) The state board shall establish and maintain an advisory 28455  
panel for the purpose of providing policy guidance with respect to 28456  
special education and related services for children with 28457  
disabilities in the state. A majority of the members of the panel 28458  
shall be individuals with disabilities or parents of children with 28459  
disabilities representing all ages, birth through twenty-six years 28460  
of age. The advisory panel shall meet the requirements of section 28461  
612(a)(21) of the "Individuals with Disabilities Education 28462  
Improvement Act of 2004," 20 U.S.C. 1412(a)(21), and related 28463  
provisions of the Code of Federal Regulations. The panel shall 28464  
advise the Ohio department of education of unmet needs within the 28465  
state in the education of children with disabilities; comment 28466  
publicly on rules proposed by that department regarding the 28467  
education of children with disabilities; advise that department in 28468  
developing evaluations and reporting on data to the United States 28469  
secretary of education under section 618 of the act, 20 U.S.C. 28470  
1418; advise the Ohio department in developing corrective action 28471  
plans to address findings identified in federal monitoring reports 28472  
under Part B of the act; and advise the Ohio department in 28473  
developing and implementing policies relating to the coordination 28474  
of services for children with disabilities. 28475

(C) In addition to the policies and procedures authorized 28476  
under division (A) of this section, the state board may authorize 28477  
school districts to establish and maintain special education and 28478

related services for children less than three years of age as 28479  
specified in rules of the state board. 28480

(D) In the exercise of its general supervisory 28481  
responsibility, the state board shall monitor the implementation 28482  
of Part B of the "Individuals with Disabilities Education 28483  
Improvement Act of 2004" by school districts. Monitoring 28484  
activities shall include, but are not limited to, focused 28485  
monitoring, investigations of complaints, and technical 28486  
assistance. The primary focus of the state board's monitoring 28487  
activities shall be improving educational results and functional 28488  
outcomes for all children with disabilities and ensuring that the 28489  
state board meets the program requirements under Part B, with a 28490  
particular emphasis on those requirements that are most closely 28491  
related to improving educational results for children with 28492  
disabilities. 28493

**Sec. 3323.07.** The state board of education shall authorize 28494  
the establishment and maintenance of ~~programs for the education of~~ 28495  
~~all handicapped children three to twenty one years of age, and may~~ 28496  
~~authorize such programs for handicapped children under three years~~ 28497  
~~of age~~ special education and related services for all children 28498  
with disabilities who are at least three years of age and less 28499  
than twenty-two years of age, including children with disabilities 28500  
who have been suspended or expelled from school, and may authorize 28501  
special education and related services for children with 28502  
disabilities who are less than three years of age in accordance 28503  
with rules adopted by the state board. The state board shall 28504  
require the boards of education of school districts, shall 28505  
authorize the department of mental health and the department of 28506  
mental retardation and developmental disabilities, and may 28507  
authorize any other educational agency, to establish and maintain 28508  
such ~~special educational programs~~ education and related services 28509  
in accordance with standards adopted by the state board ~~of~~ 28510

education. 28511

Sec. 3323.08. (A) Each school district shall submit a plan to 28512  
the superintendent of public instruction that provides assurances 28513  
that the school district will provide for the education of 28514  
children with disabilities within its jurisdiction and has in 28515  
effect policies, procedures, and programs that are consistent with 28516  
the policies and procedures adopted by the state board of 28517  
education in accordance with section 612 of the "Individuals with 28518  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 28519  
and that meet the conditions applicable to school districts under 28520  
section 613 of that act, 20 U.S.C. 1413. 28521

Each district's plan shall do all of the following: 28522

(1) Provide, as specified in section 3323.11 of the Revised 28523  
Code and in accordance with standards established by the state 28524  
board, for an organizational structure and necessary and qualified 28525  
staffing and supervision for the identification of and provision 28526  
of special education and related services for children with 28527  
disabilities; 28528

(2) Provide, as specified by section 3323.03 of the Revised 28529  
Code and in accordance with standards established by the state 28530  
board, for the identification, location, and evaluation of all 28531  
children with disabilities residing in the district, including 28532  
children with disabilities who are homeless children or are wards 28533  
of the state and children with disabilities attending private 28534  
schools and who are in need of special education and related 28535  
services. A practical method shall be developed and implemented to 28536  
determine which children with disabilities are currently receiving 28537  
needed special education and related services. 28538

(3) Provide, as specified by section 3323.07 of the Revised 28539  
Code and standards established by the state board, for the 28540  
establishment and maintenance of special education and related 28541



services for children with disabilities who are at least three 28542  
years of age and less than twenty-two years of age, including 28543  
children with disabilities who have been suspended or expelled 28544  
from school. 28545

(4) Provide, as specified by section 3323.04 of the Revised 28546  
Code and in accordance with standards adopted by the state board, 28547  
for an individualized education program for each child with a 28548  
disability who is at least three years of age and less than 28549  
twenty-two years of age residing within the district; 28550

(5) Provide, as specified by section 3323.02 of the Revised 28551  
Code and in accordance with standards established by the state 28552  
board, for special education and related services and a free 28553  
appropriate public education for every child with a disability who 28554  
is at least three years of age and less than twenty-two years of 28555  
age, including children with disabilities who have been suspended 28556  
or expelled from school; 28557

(6) Provide procedural safeguards and prior written notice as 28558  
required under section 3323.05 of the Revised Code and the 28559  
standards established by the state board; 28560

(7) Outline the steps that have been or are being taken to 28561  
comply with standards established by the state board. 28562

(B)(1) A school district may arrange, by a cooperative 28563  
agreement or contract with one or more school districts or with a 28564  
cooperative education or joint vocational school district or an 28565  
educational service center, to provide for the identification, 28566  
location, and evaluation of children with disabilities, and to 28567  
provide special education and related services for such children 28568  
that meet the standards established by the state board. A school 28569  
district may arrange, by a cooperative agreement or contract, for 28570  
the provision of related services for children with disabilities 28571  
that meet the standards established by the state board. 28572

(2) A school district shall arrange by interagency agreement with one or more school districts or with a cooperative education or joint vocational school district or an educational service center or other providers of early learning services to provide for the identification, location, evaluation of children with disabilities of ages birth through five years of age and for the transition of children with disabilities at age three in accordance with the standards established by the state board. A school district may arrange by interagency agreement with providers of early learning services to provide special education and related services for such children that meet the standards established by the state board.

(3) If at the time an individualized education program is developed for a child a school district is not providing special education and related services required by that individualized education program, the school district may arrange by contract with a nonpublic entity for the provision of the special education and related services, provided the special education and related services meet the standards for special education and related services established by the state board and is provided within the state.

(4) Any cooperative agreement or contract under division (B)(1) or (2) of this section involving a local school district shall be approved by the governing board of the educational service center which serves that district.

(C) No plan of a local school district shall be submitted to the superintendent of public instruction until it has been approved by the superintendent of the educational service center which serves that district.

(D) Upon approval of a school district's plan by the superintendent of public instruction, the district shall immediately certify students for state funds under section 3317.03

of the Revised Code to implement and maintain such plan. The 28605  
district also shall request approval of classroom units under 28606  
division (B) of section 3317.05 of the Revised Code for which the 28607  
district has adequately identified preschool children with 28608  
disabilities and shall, in accordance with procedures adopted by 28609  
the state board, request approval of units under division (C) of 28610  
section 3317.05 of the Revised Code. The district shall, in 28611  
accordance with guidelines adopted by the state board, identify 28612  
problems relating to the provision of qualified personnel and 28613  
adequate facilities, and indicate the extent to which the cost of 28614  
programs required under the plan will exceed anticipated state 28615  
reimbursement. Each school district shall immediately implement 28616  
the identification, location, and evaluation of children with 28617  
disabilities in accordance with this chapter, and shall implement 28618  
those parts of the plan involving placement and provision of 28619  
special education and related services. 28620

**Sec. 3323.09.** (A) As used in this section: 28621

(1) "Home" has the meaning given in section 3313.64 of the 28622  
Revised Code. 28623

(2) "Preschool child" means a child who is at least age three 28624  
but under age six on the thirtieth day of September of an academic 28625  
year. 28626

(B) Each county MR/DD board shall establish special education 28627  
programs for all ~~handicapped~~ children with disabilities who in 28628  
accordance with section 3323.04 of the Revised Code have been 28629  
placed in special education programs operated by the county board 28630  
and for preschool children who are developmentally delayed or at 28631  
risk of being developmentally delayed. The board annually shall 28632  
submit to the department of education a plan for the provision of 28633  
these programs and, if applicable, a request for approval of units 28634  
under section 3317.05 of the Revised Code. The superintendent of 28635

public instruction shall review the plan and approve or modify it 28636  
in accordance with rules adopted by the state board of education 28637  
under section 3301.07 of the Revised Code. The superintendent of 28638  
public instruction shall compile the plans submitted by county 28639  
boards and shall submit a comprehensive plan to the state board of 28640  
education. 28641

A county MR/DD board may combine transportation for children 28642  
enrolled in classes funded under section 3317.20 or units approved 28643  
under section 3317.05 with transportation for children and adults 28644  
enrolled in programs and services offered by the board under 28645  
section 5126.12 of the Revised Code. 28646

(C) A county MR/DD board that during the school year provided 28647  
special education pursuant to this section for any ~~mentally~~ 28648  
~~handicapped~~ child with mental disabilities under twenty-two years 28649  
of age shall prepare and submit the following reports and 28650  
statements: 28651

(1) The board shall prepare a statement for each child who at 28652  
the time of receiving such special education was a resident of a 28653  
home and was not in the legal or permanent custody of an Ohio 28654  
resident or a government agency in this state, and whose natural 28655  
or adoptive parents are not known to have been residents of this 28656  
state subsequent to the child's birth. The statement shall contain 28657  
the child's name, the name of the child's school district of 28658  
residence, the name of the county board providing the special 28659  
education, and the number of months, including any fraction of a 28660  
month, it was provided. Not later than the thirtieth day of June, 28661  
the board shall forward a certified copy of such statement to both 28662  
the director of mental retardation and developmental disabilities 28663  
and to the home. 28664

Within thirty days after its receipt of a statement, the home 28665  
shall pay tuition to the county board computed in the manner 28666  
prescribed by section 3323.141 of the Revised Code. 28667

(2) The board shall prepare a report for each school district 28668  
that is the school district of residence of one or more of such 28669  
children for whom statements are not required by division (C)(1) 28670  
of this section. The report shall contain the name of the county 28671  
board providing special education, the name of each child 28672  
receiving special education, the number of months, including 28673  
fractions of a month, that the child received it, and the name of 28674  
the child's school district of residence. Not later than the 28675  
thirtieth day of June, the board shall forward certified copies of 28676  
each report to the school district named in the report, the 28677  
superintendent of public instruction, and the director of mental 28678  
retardation and developmental disabilities. 28679

**Sec. 3323.091.** (A) The department of mental health, the 28680  
department of mental retardation and developmental disabilities, 28681  
the department of youth services, and the department of 28682  
rehabilitation and correction shall establish and maintain special 28683  
education programs for ~~handicapped~~ children with disabilities in 28684  
institutions under their jurisdiction according to standards 28685  
adopted by the state board of education. 28686

(B) The superintendent of each state institution required to 28687  
provide services under division (A) of this section, and each 28688  
county MR/DD board, providing special education for ~~handicapped~~ 28689  
preschool children with disabilities under this chapter may apply 28690  
to the state department of education for unit funding, which shall 28691  
be paid in accordance with sections 3317.052 and 3317.053 of the 28692  
Revised Code. 28693

The superintendent of each state institution required to 28694  
provide services under division (A) of this section may apply to 28695  
the department of education for special education and related 28696  
services weighted funding for ~~handicapped~~ children with 28697  
disabilities other than ~~handicapped~~ preschool children with 28698

disabilities, calculated in accordance with section 3317.201 of 28699  
the Revised Code. 28700

Each county MR/DD board providing special education for 28701  
~~handicapped~~ children with disabilities other than ~~handicapped~~ 28702  
preschool children with disabilities may apply to the department 28703  
of education for base cost and special education and related 28704  
services weighted funding calculated in accordance with section 28705  
3317.20 of the Revised Code. 28706

(C) In addition to the authorization to apply for state 28707  
funding described in division (B) of this section, each state 28708  
institution required to provide services under division (A) of 28709  
this section is entitled to tuition payments calculated in the 28710  
manner described in division (C) of this section. 28711

On or before the thirtieth day of June of each year, the 28712  
superintendent of each institution that during the school year 28713  
provided special education pursuant to this section shall prepare 28714  
a statement for each ~~handicapped~~ child with a disability under 28715  
twenty-two years of age who has received special education. The 28716  
statement shall contain the child's data verification code 28717  
assigned pursuant to division (D)(2) of section 3301.0714 of the 28718  
Revised Code and the name of the child's school district of 28719  
residence. Within sixty days after receipt of such statement, the 28720  
department of education shall perform one of the following: 28721

(1) For any child except a ~~handicapped~~ preschool child with a 28722  
disability described in division (C)(2) of this section, pay to 28723  
the institution submitting the statement an amount equal to the 28724  
tuition calculated under division (A) of section 3317.08 of the 28725  
Revised Code for the period covered by the statement, and deduct 28726  
the same from the amount of state funds, if any, payable under 28727  
sections 3317.022 and 3317.023 of the Revised Code, to the child's 28728  
school district of residence or, if the amount of such state funds 28729  
is insufficient, require the child's school district of residence 28730

to pay the institution submitting the statement an amount equal to 28731  
the amount determined under this division. 28732

(2) For any ~~handicapped~~ preschool child with a disability not 28733  
included in a unit approved under division (B) of section 3317.05 28734  
of the Revised Code, perform the following: 28735

(a) Pay to the institution submitting the statement an amount 28736  
equal to the tuition calculated under division (B) of section 28737  
3317.08 of the Revised Code for the period covered by the 28738  
statement, except that in calculating the tuition under that 28739  
section the operating expenses of the institution submitting the 28740  
statement under this section shall be used instead of the 28741  
operating expenses of the school district of residence; 28742

(b) Deduct from the amount of state funds, if any, payable 28743  
under sections 3317.022 and 3317.023 of the Revised Code to the 28744  
child's school district of residence an amount equal to the amount 28745  
paid under division (C)(2)(a) of this section. 28746

Sec. 3323.11. Each school district shall employ, as 28747  
necessary, the personnel to meet the needs of the children with 28748  
disabilities enrolled in its schools. Personnel shall possess 28749  
appropriate qualifications and certificates or licenses as 28750  
prescribed in rules of the state board of education. Teachers 28751  
shall be "highly qualified," as that term is defined in section 28752  
602(10) of the "Individuals with Disabilities Education 28753  
Improvement Act of 2004," 20 U.S.C.1401(10). 28754

**Sec. 3323.12.** The board of education of a school district 28755  
shall provide home instruction for ~~handicapped~~ children ~~three to~~ 28756  
~~twenty-one~~ with disabilities who are at least three years of age 28757  
and less than twenty-two years of age and who are unable to attend 28758  
school, even with the help of special transportation. The board 28759  
may arrange for the provision of home instruction for a child by a 28760

cooperative agreement or contract with a county MR/DD board of 28761  
~~mental retardation and developmental disabilities~~ or other 28762  
educational agency. For the purposes of determining formula ADM 28763  
under section 3317.03 of the Revised Code, five hours of home 28764  
instruction shall be equivalent to attendance for five school 28765  
days. 28766

**Sec. 3323.13.** (A) If a child who is a school resident of one 28767  
school district receives special education from another district, 28768  
the board of education of the district providing the education, 28769  
subject to division (C) of this section, may require the payment 28770  
by the board of education of the district of residence of a sum 28771  
not to exceed one of the following, as applicable: 28772

(1) For any child except a ~~handicapped~~ preschool child with a 28773  
disability described in division (A)(2) of this section, the 28774  
tuition of the district providing the education for a child of 28775  
normal needs of the same school grade. The determination of the 28776  
amount of such tuition shall be in the manner provided for by 28777  
division (A) of section 3317.08 of the Revised Code. 28778

(2) For any ~~handicapped~~ preschool child with a disability not 28779  
included in a unit approved under division (B) of section 3317.05 28780  
of the Revised Code, the tuition of the district providing the 28781  
education for the child as calculated under division (B) of 28782  
section 3317.08 of the Revised Code. 28783

(B) The board of the district of residence may contract with 28784  
the board of another district for the transportation of such child 28785  
into any school in such other district, on terms agreed upon by 28786  
such boards. Upon direction of the state board of education, the 28787  
board of the district of residence shall pay for the child's 28788  
transportation and the tuition. 28789

(C) The board of education of a district providing the 28790  
education for a child shall be entitled to require payment from 28791



the district of residence under this section or section 3323.14 of 28792  
the Revised Code only if the district providing the education has 28793  
done at least one of the following: 28794

(1) Invited the district of residence to send representatives 28795  
to attend the meetings of the team developing the child's 28796  
individualized education program; 28797

(2) Received from the district of residence a copy of the 28798  
individualized education program or a ~~multi-factored~~ multifactored 28799  
evaluation developed for the child by the district of residence; 28800

(3) Informed the district of residence in writing that the 28801  
district is providing the education for the child. 28802

As used in division (C)(2) of this section, "~~multi-factored~~ 28803  
multifactored evaluation" means an evaluation, conducted by a 28804  
~~multi-disciplinary~~ multidisciplinary team, of more than one area 28805  
of the child's functioning so that no single procedure shall be 28806  
the sole criterion for determining an appropriate educational 28807  
program placement for the child. 28808

**Sec. 3323.14.** This section does not apply to any ~~handicapped~~ 28809  
preschool child with a disability except if included in a unit 28810  
approved under division (B) of section 3317.05 of the Revised 28811  
Code. 28812

(A) Where a child who is a school resident of one school 28813  
district receives special education from another district and the 28814  
per capita cost to the educating district for that child exceeds 28815  
the sum of the amount received by the educating district for that 28816  
child under division (A) of section 3317.08 of the Revised Code 28817  
and the amount received by the district from the state board of 28818  
education for that child, then the board of education of the 28819  
district of residence shall pay to the board of the school 28820  
district that is providing the special education such excess cost 28821

as is determined by using a formula approved by the department of 28822  
education and agreed upon in contracts entered into by the boards 28823  
of the ~~district~~ districts concerned at the time the district 28824  
providing such special education accepts the child for enrollment. 28825  
The department of ~~education~~ shall certify the amount of the 28826  
payments under Chapter 3317. of the Revised Code for such 28827  
~~handicapped~~ pupils with disabilities for each school year ending 28828  
on the thirtieth day of July. 28829

(B) In the case of a child described in division (A) of this 28830  
section who has been placed in a home, as defined in section 28831  
3313.64 of the Revised Code, pursuant to the order of a court and 28832  
who is not subject to section 3323.141 of the Revised Code, the 28833  
district providing the child with special education and related 28834  
services may charge to the child's district of residence the 28835  
excess cost determined by formula approved by the department, 28836  
regardless of whether the district of residence has entered into a 28837  
contract with the district providing the services. If the district 28838  
providing the services chooses to charge excess costs, the 28839  
district may report the amount calculated under this division to 28840  
the department. 28841

(C) If a district providing special education for a child 28842  
reports an amount for the excess cost of those services, as 28843  
authorized and calculated under division (A) or (B) of this 28844  
section, the department shall pay that amount of excess cost to 28845  
the district providing the services and shall deduct that amount 28846  
from the child's district of residence in accordance with division 28847  
(N) of section 3317.023 of the Revised Code. 28848

**Sec. 3323.141.** (A) When a child who is not in the legal or 28849  
permanent custody of an Ohio resident or a government agency in 28850  
this state and whose natural or adoptive parents are not known to 28851  
have been residents of this state subsequent to the child's birth 28852

is a resident of a home as defined in section 3313.64 of the Revised Code and receives special education and related services from a school district or county ~~MR/DD board of mental retardation and developmental disabilities~~, the home shall pay tuition to the board providing the special education.

(B) In the case of a child described in division (A) of this section who receives special education and related services from a school district, tuition shall be the amount determined under division (B)(1) or (2) of this section.

(1) For a child other than a child described in division (B)(2) of this section the tuition shall be an amount equal to the sum of the following:

(a) Tuition as determined in the manner provided for by division (B) of section 3317.081 of the Revised Code for the district that provides the special education;

(b) Such excess cost as is determined by using a formula established by rule of the department of education. The excess cost computed in this section shall not be used as excess cost computed under section 3323.14 of the Revised Code.

(2) For a child who is a ~~handicapped~~ preschool child with a disability not included in a unit approved under division (B) of section 3317.05 of the Revised Code, the tuition shall be computed as follows:

(a) Determine the amount of the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code;

(b) For each type of special education service included in the computation of the amount of tuition under division (B)(2)(a) of this section, divide the amount determined for that computation under division (B)(2) of section 3317.08 of the Revised Code by the total number of ~~handicapped~~ preschool children with

disabilities used for that computation under division (B)(3) of 28884  
section 3317.08 of the Revised Code; 28885

(c) Determine the sum of the quotients obtained under 28886  
division (B)(2)(b) of this section; 28887

(d) Determine the sum of the amounts determined under 28888  
divisions (B)(2)(a) and (c) of this section. 28889

(C) In the case of a child described in division (A) of this 28890  
section who receives special education and related services from a 28891  
county MR/DD board ~~of mental retardation and developmental~~ 28892  
~~disabilities~~, tuition shall be the amount determined under 28893  
division (C)(1) or (2) of this section. 28894

(1) For a child other than a child described in division 28895  
(C)(2) of this section, the tuition shall be an amount equal to 28896  
such board's per capita cost of providing special education and 28897  
related services for children at least three but less than 28898  
twenty-two years of age as determined by using a formula 28899  
established by rule of the department of mental retardation and 28900  
developmental disabilities. 28901

(2) For a child who is a ~~handicapped~~ preschool child with a 28902  
disability not included in a unit approved under division (B) of 28903  
section 3317.05 of the Revised Code, the tuition shall equal the 28904  
sum of the amounts of each such board's per capita cost of 28905  
providing each of the special education or related service that 28906  
the child receives. The calculation of tuition shall be made by 28907  
using a formula established by rule of the department of mental 28908  
retardation and developmental disabilities. The formula for the 28909  
calculation of per capita costs under division (C)(2) of this 28910  
section shall be based only on each such MR/DD board's cost of 28911  
providing each type of special education or related service to 28912  
~~handicapped~~ preschool children with disabilities not included in a 28913  
unit approved under division (B) of section 3317.05 of the Revised 28914

Code. 28915

(D) If a home fails to pay the tuition required under this 28916  
section, the board of education or county MR/DD board ~~of mental~~ 28917  
~~retardation and developmental disabilities~~ providing the education 28918  
may recover in a civil action the tuition and the expenses 28919  
incurred in prosecuting the action, including court costs and 28920  
reasonable attorney's fees. If the prosecuting attorney or city 28921  
director of law represents the board in such action, costs and 28922  
reasonable attorney's fees awarded by the court, based upon the 28923  
time spent preparing and presenting the case by the prosecuting 28924  
attorney, director, or a designee of either, shall be deposited in 28925  
the county or city general fund. 28926

**Sec. 3323.142.** This section does not apply to any ~~handicapped~~ 28927  
preschool child with a disability except if included in a unit 28928  
approved under division (B) of section 3317.05 of the Revised 28929  
Code. 28930

As used in this section, "per pupil amount" for a ~~handicapped~~ 28931  
preschool child with a disability included in such an approved 28932  
unit means the amount determined by dividing the amount received 28933  
for the classroom unit in which the child has been placed by the 28934  
number of children in the unit. For any other child, "per pupil 28935  
amount" means the amount paid for the child under section 3317.20 28936  
of the Revised Code. 28937

When a school district places or has placed a child with a 28938  
county MR/DD board for special education, but another district is 28939  
responsible for tuition under section 3313.64 or 3313.65 of the 28940  
Revised Code and the child is not a resident of the territory 28941  
served by the county MR/DD board, the board may charge the 28942  
district responsible for tuition with the educational costs in 28943  
excess of the per pupil amount received by the board under Chapter 28944  
3317. of the Revised Code. The amount of the excess cost shall be 28945

determined by the formula established by rule of the department of 28946  
education under section 3323.14 of the Revised Code, and the 28947  
payment for such excess cost shall be made by the school district 28948  
directly to the county MR/DD board. 28949

A school district board of education and the county MR/DD 28950  
board that serves the school district may negotiate and contract, 28951  
at or after the time of placement, for payments by the board of 28952  
education to the county MR/DD board for additional services 28953  
provided to a child placed with the county MR/DD board and whose 28954  
individualized education program established pursuant to section 28955  
3323.08 of the Revised Code requires additional services that are 28956  
not routinely provided children in the county MR/DD board's 28957  
program but are necessary to maintain the child's enrollment and 28958  
participation in the program. Additional services may include, but 28959  
are not limited to, specialized supplies and equipment for the 28960  
benefit of the child and instruction, training, or assistance 28961  
provided by staff members other than staff members for which 28962  
funding is received under Chapter 3317. of the Revised Code. 28963

**Sec. 3323.143.** If a ~~handicapped child's~~ child with a 28964  
disability's custodial parent has made a unilateral placement of 28965  
the child, the parent shall be responsible for payment of tuition 28966  
to the program or facility the child is attending as a result of 28967  
that placement as long as the district of residence has offered a 28968  
free appropriate public education to that child. As used in this 28969  
section, "unilateral placement" means withdrawing a ~~handicapped~~ 28970  
child with a disability from a program or facility operated by the 28971  
district of residence or from a program or facility with which the 28972  
district of residence has arranged for education of the child and 28973  
instead enrolling that child in another program or facility that 28974  
is not a home, as defined in section 3313.64 of the Revised Code, 28975  
or that is not a facility or program available to the child 28976  
pursuant to an open enrollment policy under section 3313.98 or 28977

3313.983 of the Revised Code. 28978

**Sec. 3323.15.** The state board of education may arrange to pay 28979  
to any board of education, the board for any ~~handicapped~~ children 28980  
with disabilities who are not residents of the district but for 28981  
whom the district is providing special education. Payments shall 28982  
be made in accordance with rules and standards of the state board 28983  
of education. 28984

**Sec. 3323.17.** The department of education shall: 28985

(A) Provide supervision and technical assistance to school 28986  
districts in all accepted methods of educating ~~handicapped~~ 28987  
children with disabilities who ~~are deaf or hard of hearing~~ have 28988  
hearing impairments, including the oral, manual, and total 28989  
communication methods, with no demonstrable bias toward any one 28990  
method over another; 28991

(B) Consult with employees of school districts and chartered 28992  
nonpublic schools who confer with the parents of ~~deaf or hard of~~ 28993  
hearing ~~handicapped~~ impaired children about ~~such~~ their children's 28994  
education; 28995

(C) Consult with chartered nonpublic schools and consult with 28996  
and provide technical assistance to school districts that are or 28997  
may be interested in integrating sign language into their 28998  
curricula and that offer or may be interested in offering American 28999  
sign language as a foreign language; 29000

(D) Consult with school districts and chartered nonpublic 29001  
schools that use interpreters in classrooms and with any other 29002  
interested school districts or chartered nonpublic schools about 29003  
how to obtain the best interpreters and how interpreters can 29004  
improve their skills. 29005

**Sec. 3323.18.** If any special education program provided 29006

pursuant to this chapter or Chapter 3325. of the Revised Code 29007  
serves a student with a visual disability impairment for whom 29008  
instruction in braille reading and writing is specified as 29009  
appropriate pursuant to division (A)(2) of section 3323.011 of the 29010  
Revised Code, the entity providing the program shall integrate the 29011  
use of braille reading and writing into the student's entire 29012  
curriculum and other classroom activities in such a manner that 29013  
braille reading and writing becomes an effective learning tool for 29014  
the student. 29015

**Sec. 3323.20.** On July 1, 2006, and on each first day of July 29016  
thereafter, the department of education shall electronically 29017  
report to the general assembly the number of ~~handicapped~~ preschool 29018  
children with disabilities who received services for which the 29019  
department made a payment to any provider during the previous 29020  
fiscal year, disaggregated according to each area of developmental 29021  
deficiency identified by the department for the evaluation of such 29022  
children. 29023

**Sec. 3323.30.** The Ohio center for autism and low incidence is 29024  
hereby established within the department of education's office for 29025  
exceptional children, or any successor of that office. The center 29026  
shall administer programs and coordinate services for infants, 29027  
preschool and school-age children, and adults with autism and low 29028  
incidence disabilities. The center's principal focus shall be 29029  
programs and services for persons with autism. The center shall be 29030  
under the direction of an executive director, appointed by the 29031  
superintendent of public instruction in consultation with the 29032  
advisory board established under section 3323.31 of the Revised 29033  
Code. The department shall use state and federal funds 29034  
appropriated to the department for operation of the center. 29035

As used in this section and in sections 3323.31 to 3323.33 of 29036  
the Revised Code, "autism and low incidence disabilities" includes 29037



any of the following:	29038
(A) Autism;	29039
(B) <del>Deafness or hearing handicap</del> <u>Hearing impairment</u> ;	29040
(C) <del>Multihandicap</del> <u>Multiple disabilities</u> ;	29041
(D) Orthopedic <del>handicap</del> <u>disability</u> ;	29042
(E) Other health <del>handicap</del> <u>impairment</u> ;	29043
(F) Traumatic brain injury;	29044
(G) Visual <del>disability</del> <u>impairment</u> .	29045

**Sec. 3325.011.** Subject to the regulations adopted by the 29046  
state board of education, the state school for the deaf shall be 29047  
open to receive persons who are deaf, partially deaf, and both 29048  
blind and deaf residents of this state, who, in the judgment of 29049  
the superintendent of public instruction and the superintendent of 29050  
the school for the deaf, due to such ~~handicap~~ disability, cannot 29051  
be educated in the public school system and are suitable persons 29052  
to receive instructions according to the methods employed in such 29053  
school. The superintendent of the school for the deaf may pay the 29054  
expenses necessary for the instruction of children who are both 29055  
blind and deaf, who are resident of this state, in any suitable 29056  
institution. 29057

**Sec. 3325.02.** Subject to the regulations adopted by the state 29058  
board of education, the state school for the blind shall be open 29059  
to receive such blind and partially blind persons, residents of 29060  
this state, who, in the judgment of the superintendent of public 29061  
instruction and the superintendent of the school for the blind, 29062  
due to such ~~handicap~~ disability, cannot be educated in the public 29063  
school system and are suitable persons to receive instructions 29064  
according to the methods employed in such school. 29065

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 29066  
and division (D) of section 3311.52 of the Revised Code, this 29067  
section and sections 3327.011, 3327.012, and 3327.02 of the 29068  
Revised Code do not apply to any joint vocational or cooperative 29069  
education school district. 29070

In all city, local, and exempted village school districts 29071  
where resident school pupils in grades kindergarten through eight 29072  
live more than two miles from the school for which the state board 29073  
of education prescribes minimum standards pursuant to division (D) 29074  
of section 3301.07 of the Revised Code and to which they are 29075  
assigned by the board of education of the district of residence or 29076  
to and from the nonpublic or community school which they attend 29077  
the board of education shall provide transportation for such 29078  
pupils to and from such school except as provided in section 29079  
3327.02 of the Revised Code. 29080

In all city, local, and exempted village school districts 29081  
where pupil transportation is required under a career-technical 29082  
plan approved by the state board of education under section 29083  
3313.90 of the Revised Code, for any student attending a 29084  
career-technical program operated by another school district, 29085  
including a joint vocational school district, as prescribed under 29086  
that section, the board of education of the student's district of 29087  
residence shall provide transportation from the public high school 29088  
operated by that district to which the student is assigned to the 29089  
career-technical program. 29090

In all city, local, and exempted village school districts the 29091  
board may provide transportation for resident school pupils in 29092  
grades nine through twelve to and from the high school to which 29093  
they are assigned by the board of education of the district of 29094  
residence or to and from the nonpublic or community high school 29095  
which they attend for which the state board of education 29096

prescribes minimum standards pursuant to division (D) of section 29097  
3301.07 of the Revised Code. 29098

A board of education shall not be required to transport 29099  
elementary or high school pupils to and from a nonpublic or 29100  
community school where such transportation would require more than 29101  
thirty minutes of direct travel time as measured by school bus 29102  
from the public school building to which the pupils would be 29103  
assigned if attending the public school designated by the district 29104  
of residence. 29105

Where it is impractical to transport a pupil by school 29106  
conveyance, a board of education may offer payment, in lieu of 29107  
providing such transportation in accordance with section 3327.02 29108  
of the Revised Code. 29109

In all city, local, and exempted village school districts the 29110  
board shall provide transportation for all children who are so 29111  
~~crippled~~ disabled that they are unable to walk to and from the 29112  
school for which the state board of education prescribes minimum 29113  
standards pursuant to division (D) of section 3301.07 of the 29114  
Revised Code and which they attend. In case of dispute whether the 29115  
child is able to walk to and from the school, the health 29116  
commissioner shall be the judge of such ability. In all city, 29117  
exempted village, and local school districts the board shall 29118  
provide transportation to and from school or special education 29119  
classes for educable mentally retarded children in accordance with 29120  
standards adopted by the state board of education. 29121

When transportation of pupils is provided the conveyance 29122  
shall be run on a time schedule that shall be adopted and put in 29123  
force by the board not later than ten days after the beginning of 29124  
the school term. 29125

The cost of any transportation service authorized by this 29126  
section shall be paid first out of federal funds, if any, 29127

available for the purpose of pupil transportation, and secondly 29128  
out of state appropriations, in accordance with regulations 29129  
adopted by the state board of education. 29130

No transportation of any pupils shall be provided by any 29131  
board of education to or from any school which in the selection of 29132  
pupils, faculty members, or employees, practices discrimination 29133  
against any person on the grounds of race, color, religion, or 29134  
national origin. 29135

**Sec. 3327.05.** (A) Except as provided in division (B) of this 29136  
section, no board of education of any school district shall 29137  
provide transportation for any pupil who is a school resident of 29138  
another school district unless the pupil is enrolled pursuant to 29139  
section 3313.98 of the Revised Code or the board of the other 29140  
district has given its written consent thereto. If the board of 29141  
any school district files with the state board of education a 29142  
written complaint that transportation for resident pupils is being 29143  
provided by the board of another school district contrary to this 29144  
division, the state board of education shall make an investigation 29145  
of such complaint. If the state board of education finds that 29146  
transportation is being provided contrary to this section, it may 29147  
withdraw from state funds due the offending district any part of 29148  
the amount that has been approved for transportation pursuant to 29149  
division (D) of section 3317.022 of the Revised Code. 29150

(B) Notwithstanding division (D) of section 3311.19 and 29151  
division (D) of section 3311.52 of the Revised Code, this division 29152  
does not apply to any joint vocational or cooperative education 29153  
school district. 29154

A board of education may provide transportation to and from 29155  
the nonpublic ~~high~~ school of attendance if both of the following 29156  
apply: 29157

(1) The parent, guardian, or other person in charge of the 29158

pupil agrees to pay the board for all costs incurred in providing 29159  
the transportation that are not reimbursed pursuant to Chapter 29160  
3317. of the Revised Code; 29161

(2) The pupil's school district of residence does not provide 29162  
transportation for public school pupils of the same grade as the 29163  
pupil being transported under this division, or that district is 29164  
not required under section 3327.01 of the Revised Code to 29165  
transport the pupil to and from the nonpublic school because the 29166  
direct travel time to the nonpublic school is more than thirty 29167  
minutes. 29168

Upon receipt of the request to provide transportation, the 29169  
board shall review the request and determine whether the board 29170  
will accommodate the request. If the board agrees to transport the 29171  
pupil, the board may transport the pupil to and from the nonpublic 29172  
school and a collection point in the district, as determined by 29173  
the board. If the board transports the pupil, the board may 29174  
include the pupil in the district's transportation ADM reported to 29175  
the department of education under section 3317.03 of the Revised 29176  
Code and, accordingly, may receive a state payment under division 29177  
(D) of section 3317.022 of the Revised Code for transporting the 29178  
pupil. 29179

If the board declines to transport the pupil, the board, in a 29180  
written communication to the parent, guardian, or other person in 29181  
charge of the pupil, shall state the reasons for declining the 29182  
request. 29183

**Sec. 3327.16.** Notwithstanding division (D) of section 3311.19 29184  
and division (D) of section 3311.52 of the Revised Code, this 29185  
section does not apply to any joint vocational or cooperative 29186  
education school district or its superintendent. 29187

(A) The superintendent of each school district may establish 29188  
a volunteer bus rider assistance program, under which qualified 29189

adults or responsible older pupils, as determined by the 29190  
superintendent, may be authorized to ride on school buses with 29191  
pupils during such periods of time that the buses are being used 29192  
to transport pupils to and from schools. Volunteers shall not be 29193  
compensated for their services, but older pupils may be excused 29194  
early from school to participate in the program. 29195

Volunteers may be assigned duties or responsibilities by the 29196  
superintendent, including but not limited to, assisting younger 29197  
pupils in embarking and disembarking from buses and in crossing 29198  
streets where necessary to ensure the safety of the pupil, aiding 29199  
the driver of the bus to maintain order on buses, assisting 29200  
~~handicapped~~ pupils with disabilities, and such other activities as 29201  
the superintendent determines will aid in the safe and efficient 29202  
transportation of pupils. 29203

Volunteers serving under this section are not employees for 29204  
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 29205  
this section shall authorize a board of education to adversely 29206  
affect the employment of any employee of the board. 29207

(B) The board of education of each city, local, or exempted 29208  
village school district shall present a program to all pupils in 29209  
kindergarten through third grade who are offered school bus 29210  
transportation and who have not previously attended such program. 29211  
The program shall consist of instruction in bus rider behavior, 29212  
school bus safety, and the potential problems and hazards 29213  
associated with school bus ridership. The department of education 29214  
shall prescribe the content and length of such program, which 29215  
shall be presented within two weeks after the commencement of 29216  
classes each school year. 29217

Sec. 3327.17. The department of development shall establish a 29218  
biodiesel school bus program under which the director of 29219  
development shall make grants to school districts that use 29220

biodiesel fuel for pupil transportation to help offset incremental 29221  
costs incurred by using biodiesel instead of one hundred per cent 29222  
petroleum diesel. 29223

As used in this section, "biodiesel" has the same meaning as 29224  
in section 122.075 of the Revised Code. 29225

**Sec. 3333.04.** The chancellor of the Ohio board of regents 29226  
shall: 29227

(A) Make studies of state policy in the field of higher 29228  
education and formulate a master plan for higher education for the 29229  
state, considering the needs of the people, the needs of the 29230  
state, and the role of individual public and private institutions 29231  
within the state in fulfilling these needs; 29232

(B)(1) Report annually to the governor and the general 29233  
assembly on the findings from the chancellor's studies and the 29234  
master plan for higher education for the state; 29235

(2) Report at least semiannually to the general assembly and 29236  
the governor the enrollment numbers at each state-assisted 29237  
institution of higher education. 29238

(C) Approve or disapprove the establishment of new branches 29239  
or academic centers of state colleges and universities; 29240

(D) Approve or disapprove the establishment of state 29241  
technical colleges or any other state institution of higher 29242  
education; 29243

(E) Recommend the nature of the programs, undergraduate, 29244  
graduate, professional, state-financed research, and public 29245  
services which should be offered by the state colleges, 29246  
universities, and other state-assisted institutions of higher 29247  
education in order to utilize to the best advantage their 29248  
facilities and personnel; 29249

(F) Recommend to the state colleges, universities, and other 29250

state-assisted institutions of higher education graduate or 29251  
professional programs, including, but not limited to, doctor of 29252  
philosophy, doctor of education, and juris doctor programs, that 29253  
could be eliminated because they constitute unnecessary 29254  
duplication, as shall be determined using the process developed 29255  
pursuant to this division, or for other good and sufficient cause. 29256  
Prior to recommending a program for elimination, the chancellor 29257  
shall request the board of regents to hold at least one public 29258  
hearing on the matter and advise the chancellor on whether the 29259  
program should be recommended for elimination. The board shall 29260  
provide notice of each hearing within a reasonable amount of time 29261  
prior to its scheduled date. Following the hearing, the board 29262  
shall issue a recommendation to the chancellor. The chancellor 29263  
shall consider the board's recommendation but shall not be 29264  
required to accept it. 29265

For purposes of determining the amounts of any state 29266  
instructional subsidies paid to state colleges, universities, and 29267  
other state-assisted institutions of higher education, the 29268  
chancellor may exclude students enrolled in any program that the 29269  
chancellor has recommended for elimination pursuant to this 29270  
division except that the chancellor shall not exclude any such 29271  
student who enrolled in the program prior to the date on which the 29272  
chancellor initially commences to exclude students under this 29273  
division. 29274

The chancellor and state colleges, universities, and other 29275  
state-assisted institutions of higher education shall jointly 29276  
develop a process for determining which existing graduate or 29277  
professional programs constitute unnecessary duplication. 29278

(G) Recommend to the state colleges, universities, and other 29279  
state-assisted institutions of higher education programs which 29280  
should be added to their present programs; 29281

(H) Conduct studies for the state colleges, universities, and 29282



other state-assisted institutions of higher education to assist 29283  
them in making the best and most efficient use of their existing 29284  
facilities and personnel; 29285

(I) Make recommendations to the governor and general assembly 29286  
concerning the development of state-financed capital plans for 29287  
higher education; the establishment of new state colleges, 29288  
universities, and other state-assisted institutions of higher 29289  
education; and the establishment of new programs at the existing 29290  
state colleges, universities, and other institutions of higher 29291  
education; 29292

(J) Review the appropriation requests of the public community 29293  
colleges and the state colleges and universities and submit to the 29294  
office of budget and management and to the chairpersons of the 29295  
finance committees of the house of representatives and of the 29296  
senate the chancellor's recommendations in regard to the biennial 29297  
higher education appropriation for the state, including 29298  
appropriations for the individual state colleges and universities 29299  
and public community colleges. For the purpose of determining the 29300  
amounts of instructional subsidies to be paid to state-assisted 29301  
colleges and universities, the chancellor shall define "full-time 29302  
equivalent student" by program per academic year. The definition 29303  
may take into account the establishment of minimum enrollment 29304  
levels in technical education programs below which support 29305  
allowances will not be paid. Except as otherwise provided in this 29306  
section, the chancellor shall make no change in the definition of 29307  
"full-time equivalent student" in effect on November 15, 1981, 29308  
which would increase or decrease the number of subsidy-eligible 29309  
full-time equivalent students, without first submitting a fiscal 29310  
impact statement to the president of the senate, the speaker of 29311  
the house of representatives, the legislative service commission, 29312  
and the director of budget and management. The chancellor shall 29313  
work in close cooperation with the director of budget and 29314

management in this respect and in all other matters concerning the 29315  
expenditures of appropriated funds by state colleges, 29316  
universities, and other institutions of higher education. 29317

(K) Seek the cooperation and advice of the officers and 29318  
trustees of both public and private colleges, universities, and 29319  
other institutions of higher education in the state in performing 29320  
the chancellor's duties and making the chancellor's plans, 29321  
studies, and recommendations; 29322

(L) Appoint advisory committees consisting of persons 29323  
associated with public or private secondary schools, members of 29324  
the state board of education, or personnel of the state department 29325  
of education; 29326

(M) Appoint advisory committees consisting of college and 29327  
university personnel, or other persons knowledgeable in the field 29328  
of higher education, or both, in order to obtain their advice and 29329  
assistance in defining and suggesting solutions for the problems 29330  
and needs of higher education in this state; 29331

(N) Approve or disapprove all new degrees and new degree 29332  
programs at all state colleges, universities, and other 29333  
state-assisted institutions of higher education; 29334

(O) Adopt such rules as are necessary to carry out the 29335  
chancellor's duties and responsibilities. The rules shall 29336  
prescribe procedures for the chancellor to follow when taking 29337  
actions associated with the chancellor's duties and 29338  
responsibilities and shall indicate which types of actions are 29339  
subject to those procedures. The procedures adopted under this 29340  
division shall be in addition to any other procedures prescribed 29341  
by law for such actions. However, if any other provision of the 29342  
Revised Code or rule adopted by the chancellor prescribes 29343  
different procedures for such an action, the procedures adopted 29344  
under this division shall not apply to that action to the extent 29345

they conflict with the procedures otherwise prescribed by law. The 29346  
procedures adopted under this division shall include at least the 29347  
following: 29348

(1) Provision for public notice of the proposed action; 29349

(2) An opportunity for public comment on the proposed action, 29350  
which may include a public hearing on the action by the board of 29351  
regents; 29352

(3) Methods for parties that may be affected by the proposed 29353  
action to submit comments during the public comment period; 29354

(4) Submission of recommendations from the board of regents 29355  
regarding the proposed action, at the request of the chancellor; 29356

(5) Written publication of the final action taken by the 29357  
chancellor and the chancellor's rationale for the action; 29358

(6) A timeline for the process described in divisions (0)(1) 29359  
to (5) of this section. 29360

(P) Establish and submit to the governor and the general 29361  
assembly a clear and measurable set of goals and timetables for 29362  
their achievement for each program under the chancellor's 29363  
supervision that is designed to accomplish any of the following: 29364

(1) Increased access to higher education; 29365

(2) Job training; 29366

(3) Adult literacy; 29367

(4) Research; 29368

(5) Excellence in higher education; 29369

(6) Reduction in the number of graduate programs within the 29370  
same subject area. 29371

In July of each odd-numbered year, the chancellor shall 29372  
submit to the governor and the general assembly a report on 29373  
progress made toward these goals. 29374

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;	29375 29376 29377 29378
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	29379 29380 29381 29382
(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 3333.28, <del>3333.29</del> , and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	29383 29384 29385 29386 29387
(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;	29388 29389 29390
(U) Conduct enrollment audits of state-supported institutions of higher education;	29391 29392
(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 chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the 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.	29393 29394 29395 29396 29397 29398 29399 29400 29401 29402 29403
(W) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed	29404 29405

by law;	29406
(X) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.	29407 29408 29409
<b>Sec. 3333.122.</b> (A) As used in this section:	29410
(1) "Eligible student" means a student who is:	29411
(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;	29412 29413
(b) <u>Enrolled</u> <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:	29414 29415 29416
(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 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.	29417 29418 29419 29420 29421 29422 29423 29424 29425 29426 29427 29428 29429 29430
(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.	29431 29432 29433 29434
<u>(c) If the student first enrolled in an undergraduate program</u>	29435

after the 2007-2008 academic year, the student is enrolled in 29436  
either of the following: 29437

(i) An accredited institution of higher education in this 29438  
state that meets the requirements of Title VI of the Civil Rights 29439  
Act of 1964 and is state-assisted, is nonprofit and has a 29440  
certificate of authorization pursuant to Chapter 1713. of the 29441  
Revised Code, or is a private institution exempt from regulation 29442  
under Chapter 3332. of the Revised Code as prescribed in section 29443  
3333.046 of the Revised Code; 29444

(ii) An education program of at least two years duration 29445  
sponsored by a private institution of higher education in this 29446  
state that meets the requirements of Title VI of the Civil Rights 29447  
Act of 1964 and has a certificate of authorization pursuant to 29448  
Chapter 1713. of the Revised Code. 29449

(2) A student who participated in either the early college 29450  
high school program administered by the department of education or 29451  
in the post-secondary enrollment options program pursuant to 29452  
Chapter 3365. of the Revised Code before the 2006-2007 academic 29453  
year shall not be excluded from eligibility for a needs-based 29454  
financial aid grant under this section. 29455

(3) "Resident," "expected family contribution" or "EFC," 29456  
"full-time student," "three-quarters-time student," "half-time 29457  
student," "one-quarter-time student," and "accredited" shall be 29458  
defined by rules adopted by the chancellor of the Ohio board of 29459  
regents. 29460

(B) The chancellor shall establish and administer a 29461  
needs-based financial aid program based on the United States 29462  
department of education's method of determining financial need and 29463  
may adopt rules to carry out this section. The program shall be 29464  
known as the Ohio college opportunity grant program. The general 29465  
assembly shall support the needs-based financial aid program by 29466

such sums and in such manner as it may provide, but the chancellor 29467  
may also receive funds from other sources to support the program. 29468  
If the amounts available for support of the program are inadequate 29469  
to provide grants to all eligible students, preference in the 29470  
payment of grants shall be given in terms of expected family 29471  
contribution, beginning with the lowest expected family 29472  
contribution category and proceeding upward by category to the 29473  
highest expected family contribution category. 29474

A needs-based financial aid grant shall be paid to an 29475  
eligible student through the institution in which the student is 29476  
enrolled, except that no needs-based financial aid grant shall be 29477  
paid to any person serving a term of imprisonment. Applications 29478  
for such grants shall be made as prescribed by the chancellor, and 29479  
such applications may be made in conjunction with and upon the 29480  
basis of information provided in conjunction with student 29481  
assistance programs funded by agencies of the United States 29482  
government or from financial resources of the institution of 29483  
higher education. The institution shall certify that the student 29484  
applicant meets the requirements set forth in divisions (A)(1)(a) 29485  
and (b) of this section. Needs-based financial aid grants shall be 29486  
provided to an eligible student only as long as the student is 29487  
making appropriate progress toward a nursing diploma or an 29488  
associate or bachelor's degree. No student shall be eligible to 29489  
receive a grant for more than ten semesters, fifteen quarters, or 29490  
the equivalent of five academic years. A grant made to an eligible 29491  
student on the basis of less than full-time enrollment shall be 29492  
based on the number of credit hours for which the student is 29493  
enrolled and shall be computed in accordance with a formula 29494  
adopted by the chancellor. No student shall receive more than one 29495  
grant on the basis of less than full-time enrollment. 29496

A needs-based financial aid grant shall not exceed the total 29497  
instructional and general charges of the institution. 29498

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

As used in the tables in division (C) of this section:

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

Full-time students shall be eligible to receive awards according to the following table:

Full-Time Enrollment

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
2,001	2,100	402	798	642
1,901	2,000	498	1,002	798
1,801	1,900	600	1,200	960
1,701	1,800	702	1,398	1,122
1,601	1,700	798	1,602	1,278

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1,501	1,600	900	1,800	1,440	29523
1,401	1,500	1,002	1,998	1,602	29524
1,301	1,400	1,098	2,202	1,758	29525
1,201	1,300	1,200	2,400	1,920	29526
1,101	1,200	1,302	2,598	2,082	29527
1,001	1,100	1,398	2,802	2,238	29528
901	1,000	1,500	3,000	2,400	29529
801	900	1,602	3,198	2,562	29530
701	800	1,698	3,402	2,718	29531
601	700	1,800	3,600	2,280	29532
501	600	1,902	3,798	3,042	29533
401	500	1,998	4,002	3,198	29534
301	400	2,100	4,200	3,360	29535
201	300	2,202	4,398	3,522	29536
101	200	2,298	4,602	3,678	29537
1	100	2,400	4,800	3,840	29538
0	0	2,496	4,992	3,996	29539

Three-quarters-time students shall be eligible to receive 29540  
awards according to the following table: 29541

Three-Quarters-Time Enrollment 29542

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	29544
2,001	2,100	300	600	480	29545
1,901	2,000	372	750	600	29546
1,801	1,900	450	900	720	29547
1,701	1,800	528	1,050	840	29548

1,601	1,700	600	1,200	960	29549
1,501	1,600	678	1,350	1,080	29550
1,401	1,500	750	1,500	1,200	29551
1,301	1,400	822	1,650	1,320	29552
1,201	1,300	900	1,800	1,440	29553
1,101	1,200	978	1,950	1,560	29554
1,001	1,100	1,050	2,100	1,680	29555
901	1,000	1,128	2,250	1,800	29556
801	900	1,200	2,400	1,920	29557
701	800	1,272	2,550	2,040	29558
601	700	1,350	2,700	2,160	29559
501	600	1,428	2,850	2,280	29560
401	500	1,500	3,000	2,400	29561
301	400	1,578	3,150	2,520	29562
201	300	1,650	3,300	2,640	29563
101	200	1,722	3,450	2,760	29564
1	100	1,800	3,600	2,880	29565
0	0	1,872	3,744	3,000	29566

Half-time students shall be eligible to receive awards 29567  
according to the following table: 29568

Half-Time Enrollment 29569

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$150	\$300	\$240	29571
2,001	2,100	204	402	324	29572
1,901	2,000	252	504	402	29573
1,801	1,900	300	600	480	29574

1,701	1,800	354	702	564	29575
1,601	1,700	402	804	642	29576
1,501	1,600	450	900	720	29577
1,401	1,500	504	1,002	804	29578
1,301	1,400	552	1,104	882	29579
1,201	1,300	600	1,200	960	29580
1,101	1,200	654	1,302	1,044	29581
1,001	1,100	702	1,404	1,122	29582
901	1,000	750	1,500	1,200	29583
801	900	804	1,602	1,284	29584
701	800	852	1,704	1,362	29585
601	700	900	1,800	1,440	29586
501	600	954	1,902	1,524	29587
401	500	1,002	2,004	1,602	29588
301	400	1,050	2,100	1,680	29589
201	300	1,104	2,202	1,764	29590
101	200	1,152	2,304	1,842	29591
1	100	1,200	2,400	1,920	29592
0	0	1,248	2,496	1,998	29593

One-quarter-time students shall be eligible to receive awards 29594  
according to the following table: 29595

One-Quarter-Time Enrollment 29596

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	29598
2,001	2,100	102	198	162	29599
1,901	2,000	126	252	198	29600

1,801	1,900	150	300	240	29601
1,701	1,800	174	348	282	29602
1,601	1,700	198	402	318	29603
1,501	1,600	228	450	360	29604
1,401	1,500	252	498	402	29605
1,301	1,400	276	552	438	29606
1,201	1,300	300	600	480	29607
1,101	1,200	324	648	522	29608
1,001	1,100	348	702	558	29609
901	1,000	378	750	600	29610
801	900	402	798	642	29611
701	800	426	852	678	29612
601	700	450	900	720	29613
501	600	474	948	762	29614
401	500	498	1,002	798	29615
301	400	528	1,050	840	29616
201	300	552	1,098	882	29617
101	200	576	1,152	918	29618
1	100	600	1,200	960	29619
0	0	624	1,248	1,002	29620

(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. 29634

(F)(1) Except as provided in division (F)(2) of this section, 29635  
no grant shall be made to any student for enrollment during a 29636  
fiscal year in an institution with a cohort default rate 29637  
determined by the United States secretary of education pursuant to 29638  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 29639  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 29640  
preceding the fiscal year, equal to or greater than thirty per 29641  
cent for each of the preceding two fiscal years. 29642

(2) Division (F)(1) of this section does not apply to the 29643  
following: 29644

(a) Any student enrolled in an institution that under the 29645  
federal law appeals its loss of eligibility for federal financial 29646  
aid and the United States secretary of education determines its 29647  
cohort default rate after recalculation is lower than the rate 29648  
specified in division (F)(1) of this section or the secretary 29649  
determines due to mitigating circumstances the institution may 29650  
continue to participate in federal financial aid programs. The 29651  
chancellor shall adopt rules requiring institutions to provide 29652  
information regarding an appeal to the chancellor. 29653

(b) Any student who has previously received a grant under 29654  
this section who meets all other requirements of this section. 29655

(3) The chancellor shall adopt rules for the notification of 29656  
all institutions whose students will be ineligible to participate 29657  
in the grant program pursuant to division (F)(1) of this section. 29658

(4) A student's attendance at an institution whose students 29659  
lose eligibility for grants under division (F)(1) of this section 29660  
shall not affect that student's eligibility to receive a grant 29661  
when enrolled in another institution. 29662

(G) Institutions of higher education that enroll students 29663  
receiving needs-based financial aid grants under this section 29664

shall report to the chancellor all students who have received 29665  
needs-based financial aid grants but are no longer eligible for 29666  
all or part of such grants and shall refund any moneys due the 29667  
state within thirty days after the beginning of the quarter or 29668  
term immediately following the quarter or term in which the 29669  
student was no longer eligible to receive all or part of the 29670  
student's grant. There shall be an interest charge of one per cent 29671  
per month on all moneys due and payable after such thirty-day 29672  
period. The chancellor shall immediately notify the office of 29673  
budget and management and the legislative service commission of 29674  
all refunds so received. 29675

Sec. 3333.201. The chancellor of the Ohio board of regents 29676  
shall require any college or university that offers classes at a 29677  
technical college that is co-located with a university branch to 29678  
pay a share of the facility maintenance cost based proportionally 29679  
on the number of students enrolled in classes offered by that 29680  
college or university. 29681

Sec. 3333.36. ~~Provided~~ If the chancellor determines that 29682  
sufficient ~~unencumbered and unexpended~~ funds are available from 29683  
general revenue fund appropriations made to the Ohio board of 29684  
regents, the chancellor of the Ohio board of regents shall 29685  
allocate ~~up~~ the following: 29686

(A) Up to seventy thousand dollars in each fiscal year to 29687  
make payments to the Columbus program in intergovernmental issues, 29688  
an Ohio internship program at Kent state university, for 29689  
scholarships of up to two thousand dollars for each student 29690  
enrolled in the program. ~~The;~~ 29691

(B) Up to one hundred sixty-five thousand dollars in each 29692  
fiscal year to make payments to the Washington center for 29693  
scholarships provided to undergraduates of Ohio's four-year public 29694

and private institutions of higher education selected to 29695  
participate in the Washington center internship program. The 29696  
amount of a student's scholarship shall not exceed the amount 29697  
specified for such scholarships in the biennial operating 29698  
appropriations act. 29699

The chancellor may utilize any general revenue funds 29700  
appropriated to the board of regents that the chancellor 29701  
determines to be available for purposes of this section. 29702

**Sec. 3333.38.** (A) As used in this section: 29703

(1) "Institution of higher education" includes all of the 29704  
following: 29705

(a) A state institution of higher education, as defined in 29706  
section 3345.011 of the Revised Code; 29707

(b) A nonprofit institution issued a certificate of 29708  
authorization under Chapter 1713. of the Revised Code; 29709

(c) A private institution exempt from regulation under 29710  
Chapter 3332. of the Revised Code, as prescribed in section 29711  
3333.046 of the Revised Code; 29712

(d) An institution of higher education with a certificate of 29713  
registration from the state board of career colleges and schools 29714  
under Chapter 3332. of the Revised Code. 29715

(2) "Student financial assistance supported by state funds" 29716  
includes assistance granted under sections 3315.33, 3333.12, 29717  
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 29718  
5910.03, 5910.032, and 5919.34 of the Revised Code or financed by 29719  
an award under the choose Ohio first scholarship program 29720  
established under section 3333.61 of the Revised Code and any 29721  
other post-secondary student financial assistance supported by 29722  
state funds. 29723

(B) An individual who is convicted of, pleads guilty to, or 29724

is adjudicated a delinquent child for one of the following 29725  
violations shall be ineligible to receive any student financial 29726  
assistance supported by state funds at an institution of higher 29727  
education for two calendar years from the time the individual 29728  
applies for assistance of that nature: 29729

(1) A violation of section 2917.02 or 2917.03 of the Revised 29730  
Code; 29731

(2) A violation of section 2917.04 of the Revised Code that 29732  
is a misdemeanor of the fourth degree; 29733

(3) A violation of section 2917.13 of the Revised Code that 29734  
is a misdemeanor of the fourth or first degree and occurs within 29735  
the proximate area where four or more others are acting in a 29736  
course of conduct in violation of section 2917.11 of the Revised 29737  
Code. 29738

(C) If an individual is convicted of, pleads guilty to, or is 29739  
adjudicated a delinquent child for committing a violation of 29740  
section 2917.02 or 2917.03 of the Revised Code, and if the 29741  
individual is enrolled in a state-supported institution of higher 29742  
education, the institution in which the individual is enrolled 29743  
shall immediately dismiss the individual. No state-supported 29744  
institution of higher education shall admit an individual of that 29745  
nature for one academic year after the individual applies for 29746  
admission to a state-supported institution of higher education. 29747  
This division does not limit or affect the ability of a 29748  
state-supported institution of higher education to suspend or 29749  
otherwise discipline its students. 29750

Sec. 3333.50. The Ohio board of regents, in consultation with 29751  
the governor and the department of development, shall develop a 29752  
critical needs rapid response system to respond quickly to 29753  
critical workforce shortages in the state. Not later than ninety 29754  
days after a critical workforce shortage is identified, the 29755



chancellor of the board shall submit to the governor a proposal 29756  
for addressing the shortage through initiatives of the board or 29757  
institutions of higher education. 29758

Sec. 3333.55. (A) The health information and imaging 29759  
technology workforce development pilot project is hereby 29760  
established. Under the project, in fiscal years 2008 through 2010, 29761  
the Ohio board of regents shall design and implement a three-year 29762  
pilot program to test, in the vicinity of Clark, Greene, and 29763  
Montgomery counties, how a P-16 public-private education and 29764  
workforce development collaborative may address each of the 29765  
following goals: 29766

(1) Increase the number of students taking and mastering 29767  
high-level science, technology, engineering, or mathematics 29768  
courses and pursuing careers in those subjects, in all demographic 29769  
regions of the state; 29770

(2) Increase the number of students pursuing professional 29771  
careers in health information and imaging technology upon 29772  
receiving related technical education and professional experience, 29773  
in all demographic regions of the state; 29774

(3) Unify efforts among schools, career centers, 29775  
post-secondary programs, and employers in a region for career and 29776  
workforce development, preservation, and public education. 29777

(B) The project shall focus on enhancing P-16 education and 29778  
workforce development in the field of health information and 29779  
imaging technology through such activities as increased academic 29780  
intervention in related areas of study, after-school and summer 29781  
intervention programs, tutoring, career and job fairs and other 29782  
promotional and recruitment activities, externships, professional 29783  
development, field trips, academic competitions, development of 29784  
related specialized study modules, development of honors programs, 29785  
and development and enhancement of dual high school and college 29786

enrollment programs. 29787

(C) Project participants shall include Clark-Shawnee local school district, Springfield city school district, Greene county 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. 29788  
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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. 29796  
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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. 29799  
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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. 29802  
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Sec. 3333.60. As used in sections 3333.61 to 3333.70 of the Revised Code: 29807  
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(A) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 29809  
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(B) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 29811  
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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 29813  
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and the Ohio research scholars program. Under the programs, the 29816  
chancellor, subject to approval by the controlling board, shall 29817  
award grants to state universities or colleges for programs and 29818  
initiatives that recruit students and scientists in the fields of 29819  
science, technology, engineering, mathematics, and medicine to 29820  
state universities or colleges, in order to enhance regional 29821  
educational and economic strengths and meet the needs of the 29822  
state's regional economies. Grants may be awarded for programs and 29823  
initiatives to be implemented by a state university or college 29824  
alone or in collaboration with other state institutions of higher 29825  
education, nonpublic Ohio universities and colleges, or other 29826  
public or private Ohio entities. 29827

The choose Ohio first scholarship program shall award grants 29828  
to state universities and colleges to establish scholarships, 29829  
fellowships, grants, or other monetary or nonmonetary incentives 29830  
to recruit Ohio residents as undergraduate or graduate students in 29831  
the fields of science, technology, engineering, mathematics, and 29832  
medicine, or in science, technology, engineering, mathematics, or 29833  
medical education. Each state university or college receiving a 29834  
grant under the choose Ohio first scholarship program shall award 29835  
one hundred per cent of the grant amount in the form of 29836  
scholarships, fellowships, grants, or other monetary or 29837  
nonmonetary incentives to students, and shall not use any amount 29838  
of the grant for administration. 29839

The Ohio research scholars program shall award grants to be 29840  
deposited into new or existing endowment funds of state 29841  
universities and colleges for use in recruiting scientists to 29842  
their faculties. 29843

The chancellor shall adopt rules in accordance with Chapter 29844  
119. of the Revised Code to administer the programs. 29845

**Sec. 3333.62.** The chancellor of the Ohio board of regents 29846

shall establish a competitive process for making awards under the 29847  
choose Ohio first scholarship program and the Ohio research 29848  
scholars program. The chancellor, on completion of that process, 29849  
shall make a recommendation to the controlling board asking for 29850  
approval to award each grant selected by the chancellor. 29851

Any state university or college may apply for one or more 29852  
awards under one or both programs. Each university or college 29853  
shall submit a proposal and other documentation required by the 29854  
chancellor, in the form and manner prescribed by the chancellor, 29855  
for each award it seeks. A proposal may propose an initiative to 29856  
be implemented solely by the state university or college or in 29857  
collaboration with other state institutions of higher education, 29858  
nonpublic Ohio universities or colleges, or other public or 29859  
nonpublic Ohio entities. A single proposal may seek an award under 29860  
one or both programs. 29861

The chancellor shall determine which proposals will receive 29862  
awards each fiscal year, and the amount of each award, on the 29863  
basis of the merit of each proposal, which the chancellor, subject 29864  
to approval by the controlling board, shall determine based on one 29865  
or more of the following criteria: 29866

(A) The quality of the program that is the subject of the 29867  
proposal and the extent to which additional resources will enhance 29868  
its quality; 29869

(B) The extent to which the proposal is integrated with the 29870  
strengths of the regional economy; 29871

(C) The extent to which the proposal is integrated with 29872  
centers of research excellence within the private sector; 29873

(D) The amount of other institutional, public, or private 29874  
resources, whether monetary or nonmonetary, that the proposal 29875  
pledges to leverage; 29876

(E) The extent to which the proposal is collaborative with 29877

<u>other public or nonpublic Ohio institutions of higher education;</u>	29878
<u>(F) The extent to which the proposal is integrated with the</u>	29879
<u>university's or college's mission and does not displace existing</u>	29880
<u>resources already committed to the mission;</u>	29881
<u>(G) The extent to which the proposal facilitates a more</u>	29882
<u>efficient utilization of existing faculty and programs;</u>	29883
<u>(H) The extent to which the proposal meets a statewide</u>	29884
<u>educational need;</u>	29885
<u>(I) The demonstrated productivity or future capacity of the</u>	29886
<u>students or scientists to be recruited;</u>	29887
<u>(J) The extent to which the proposal will create additional</u>	29888
<u>capacity in educational or economic areas of need.</u>	29889
<u><b>Sec. 3333.63.</b> The chancellor of the Ohio board of regents</u>	29890
<u>shall conduct at least one public meeting annually, prior to</u>	29891
<u>deciding awards under the Ohio innovation partnership. At the</u>	29892
<u>meeting, an employee of the chancellor shall summarize the</u>	29893
<u>proposals submitted for consideration, and each state university</u>	29894
<u>or college that has a proposal pending shall have the opportunity</u>	29895
<u>to review the summary of their proposal prepared by the</u>	29896
<u>chancellor's staff and answer questions or respond to concerns</u>	29897
<u>about the proposal raised by the chancellor's staff.</u>	29898
<u><b>Sec. 3333.64.</b> The chancellor of the Ohio board of regents</u>	29899
<u>shall make awards under the choose Ohio first scholarship program</u>	29900
<u>and the Ohio research scholars program such that the aggregate,</u>	29901
<u>statewide amount of other institutional, public, and private money</u>	29902
<u>pledged to the proposals in each fiscal year equals at least one</u>	29903
<u>hundred per cent of the aggregate amount of the money awarded</u>	29904
<u>under both programs that year.</u>	29905
<u>The chancellor also shall endeavor to distribute awards in</u>	29906

such a way that all regions of the state benefit from the economic development impact of the programs and shall guarantee that students from all regions of the state are able to participate in the scholarship program. 29907  
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**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. 29911  
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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. 29920  
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**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 29924  
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one of the proposals preference for an award. 29938

Sec. 3333.67. Each state university or college that receives 29939  
an award under the Ohio research scholars program shall deposit 29940  
the award into a new or existing endowment fund. The university or 29941  
college shall maintain the amount awarded and use income generated 29942  
from that award, and other institutional, public, or nonpublic 29943  
resources, to finance the proposal approved by the chancellor of 29944  
the Ohio board of regents and the controlling board. 29945

Sec. 3333.68. When making an award under the Ohio innovation 29946  
partnership, the chancellor of the Ohio board of regents, subject 29947  
to approval by the controlling board, may commit to giving a state 29948  
university's or college's proposal preference for future awards 29949  
after the current fiscal year or fiscal biennium. A proposal's 29950  
eligibility for future awards remains conditional on both of the 29951  
following: 29952

(A) Future appropriations of the general assembly; 29953

(B) The university's or college's adherence to the agreement 29954  
entered into under section 3333.65 of the Revised Code, including 29955  
its fulfillment of pledges of other institutional, public, or 29956  
nonpublic resources. 29957

The chancellor and the controlling board shall not commit to 29958  
awarding any proposal for more than five fiscal years at a time. 29959  
However, when a commitment for future awards expires, a state 29960  
university or college may reapply. 29961

Sec. 3333.69. The chancellor of the Ohio board of regents 29962  
shall monitor each initiative for which an award is granted under 29963  
the Ohio innovation partnership to ensure the following: 29964

(A) Fiscal accountability, so that the award is used in 29965  
accordance with the agreement entered into under section 3333.65 29966

of the Revised Code; 29967

(B) Operating progress, so that the initiative is managed to 29968  
achieve the goals stated in the proposal and in the agreement, and 29969  
so that problems may be promptly identified and remedied; 29970

(C) Desired outcomes, so that the initiative contributes to 29971  
the programs' goals of enhancing regional educational and economic 29972  
strengths and meeting regional economic needs. 29973

**Sec. 3333.70.** Not later than December 31, 2008, and the 29974  
thirty-first day of December of each year thereafter, the 29975  
chancellor of the Ohio board of regents shall submit to the 29976  
general assembly in accordance with section 101.68 of the Revised 29977  
Code a report on the academic and economic impact of the Ohio 29978  
innovation partnership. At a minimum, the report shall include the 29979  
following: 29980

(A) Progress and performance metrics for each initiative that 29981  
received an award in the previous fiscal year; 29982

(B) Economic indicators of the impact of each initiative, and 29983  
all initiatives as a whole, on the regional economies and the 29984  
statewide economy. 29985

**Sec. 3345.02.** As used in this section, "state institution of 29986  
higher education" has the same meaning as in section 3345.011 of 29987  
the Revised Code. 29988

Beginning in the 2008-2009 academic year, each state 29989  
institution of higher education shall include in each statement of 29990  
estimated or actual charges owed by a student enrolled in the 29991  
institution an itemized list of the instructional fees, general 29992  
fees, special purpose fees, service charges, fines, and any other 29993  
fees or surcharges applicable to the student. 29994

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 29995



fees, academic fees for the support of off-campus instruction, 29996  
laboratory and course fees when so assessed and collected, student 29997  
health fees for the support of a student health service, all other 29998  
fees, deposits, charges, receipts, and income from all or part of 29999  
the students, all subsidy or other payments from state 30000  
appropriations, and all other fees, deposits, charges, receipts, 30001  
~~and income, and revenue~~ received by each ~~state-supported~~ 30002  
~~university and college~~ state institution of higher education, the 30003  
Ohio state university hospitals and their ancillary facilities, 30004  
the Ohio agricultural research and development center, and the 30005  
Ohio state university cooperative extension service shall be held 30006  
and administered by the respective boards of trustees of the 30007  
~~state-supported universities and colleges~~ state institution of 30008  
higher education; provided, that such fees, deposits, charges, 30009  
receipts, ~~and income~~ and revenue, to the extent required by 30010  
resolutions, trust agreements, indentures, leases, and agreements 30011  
adopted, made, or entered into under Chapter 154. or section 30012  
3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, 30013  
administered, transferred, and applied in accordance therewith. 30014

(B) The Ohio board of regents shall require annual reporting 30015  
by the Ohio agricultural research and development center and by 30016  
each university and college receiving state aid in such form and 30017  
detail as determined by the board in consultation with such 30018  
center, universities and colleges, and the director of budget and 30019  
management. 30020

(C) Notwithstanding any provision of the Revised Code to the 30021  
contrary, the title to investments made by the board of trustees 30022  
of a ~~state-supported university or college~~ state institution of 30023  
higher education with funds derived from ~~revenues~~ any of the 30024  
sources described in division (A) of this section shall not be 30025  
vested in the state or the political subdivision but shall be held 30026  
in trust by the board. Such investments shall be made pursuant to 30027

an investment policy adopted by the board in public session that 30028  
requires all fiduciaries to discharge their duties with the care, 30029  
skill, prudence, and diligence under the circumstances then 30030  
prevailing that a prudent person acting in like capacity and 30031  
familiar with such matters would use in the conduct of an 30032  
enterprise of a like character and with like aims. The policy also 30033  
shall require at least the following: 30034

(1) A stipulation that investment ~~be made only in publicly~~ 30035  
~~traded securities averaging of~~ at least twenty-five per cent of 30036  
the average amount of the investment portfolio over the course of 30037  
the previous fiscal year be invested in securities of the United 30038  
States government or of its agencies or instrumentalities, the 30039  
treasurer of state's pooled investment program, obligations of 30040  
this state or any political subdivision of this state, 30041  
certificates of deposit of any national bank located in this 30042  
state, written repurchase agreements with any eligible Ohio 30043  
financial institution that is a member of the federal reserve 30044  
system or federal home loan bank, money market funds, or bankers 30045  
acceptances maturing in two hundred seventy days or less which are 30046  
eligible for purchase by the federal reserve system, as a reserve; 30047

(2) Eligible funds above those that meet the conditions of 30048  
division (C)(1) of this section may be pooled with other 30049  
institutional funds and invested in accordance with section 30050  
1715.54 of the Revised Code. 30051

(3) The establishment of an investment committee. 30052

(D) The investment committee established under division 30053  
(C)~~(2)~~(3) of this section shall meet at least quarterly. The 30054  
committee shall review and recommend revisions to the board's 30055  
investment policy and shall advise the board on its investments 30056  
made under division (C) of this section in an effort to assist it 30057  
in meeting its obligations as a fiduciary as described in division 30058  
(C) of this section. The committee shall be authorized to retain 30059

the services of an investment advisor who meets both of the	30060
following qualifications:	30061
(1) The advisor is either:	30062
(a) Licensed by the division of securities under section	30063
1707.141 of the Revised Code;	30064
(b) Registered with the securities and exchange commission.	30065
(2) The advisor either:	30066
(a) Has experience in the management of investments of public	30067
funds, especially in the investment of state-government investment	30068
portfolios;	30069
(b) Is an eligible institution referenced in section 135.03	30070
of the Revised Code.	30071
<u>(E) As used in this section, "state institution of higher</u>	30072
<u>education" means a state institution of higher education as</u>	30073
<u>defined in section 3345.011 of the Revised Code.</u>	30074
<b>Sec. 3345.32.</b> (A) As used in this section:	30075
(1) "State university or college" means the institutions	30076
described in section 3345.27 of the Revised Code and the	30077
northeastern Ohio universities college of medicine.	30078
(2) "Resident" has the meaning specified by rule of the	30079
<u>chancellor of the</u> Ohio board of regents.	30080
(3) "Statement of selective service status" means a statement	30081
certifying one of the following:	30082
(a) That the individual filing the statement has registered	30083
with the selective service system in accordance with the "Military	30084
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as	30085
amended;	30086
(b) That the individual filing the statement is not required	30087

to register with the selective service for one of the following 30088  
reasons: 30089

(i) The individual is under eighteen or over twenty-six years 30090  
of age. 30091

(ii) The individual is on active duty with the armed forces 30092  
of the United States other than for training in a reserve or 30093  
national guard unit. 30094

(iii) The individual is a nonimmigrant alien lawfully in the 30095  
United States in accordance with section 101 (a)(15) of the 30096  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 30097

(iv) The individual is not a citizen of the United States and 30098  
is a permanent resident of the Trust Territory of the Pacific 30099  
Islands or the Northern Mariana Islands. 30100

(4) "Institution of higher education" means any eligible 30101  
institution approved by the United States department of education 30102  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 30103  
amended, or any institution whose students are eligible for 30104  
financial assistance under any of the programs described by 30105  
division (E) of this section. 30106

(B) The ~~Ohio board of regents~~ chancellor shall, by rule, 30107  
specify the form of statements of selective service status to be 30108  
filed in compliance with divisions (C) to (F) of this section. 30109  
Each statement of selective service status shall contain a section 30110  
wherein a male student born after December 31, 1959, certifies 30111  
that the student has registered with the selective service system 30112  
in accordance with the "Military Selective Service Act," 62 Stat. 30113  
604, 50 U.S.C. App. 453, as amended. For those students not 30114  
required to register with the selective service, as specified in 30115  
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 30116  
provided on the statement of selective service status for the 30117  
certification of nonregistration and for an explanation of the 30118

reason for the exemption. The ~~board of regents~~ chancellor may 30119  
require that such statements be accompanied by documentation 30120  
specified by rule of the ~~board~~ chancellor. 30121

(C) A state university or college that enrolls in any course, 30122  
class, or program a male student born after December 31, 1959, who 30123  
has not filed a statement of selective service status with the 30124  
university or college shall, regardless of the student's 30125  
residency, charge the student any tuition surcharge charged 30126  
students who are not residents of this state. 30127

(D) No male born after December 31, 1959, shall be eligible 30128  
to receive any loan, grant, scholarship, or other financial 30129  
assistance for educational expenses granted under section 3315.33, 30130  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 30131  
5910.032, or 5919.34 of the Revised Code, or financed by an award 30132  
under the choose Ohio first scholarship program established under 30133  
section 3333.61 of the Revised Code, unless that person has filed 30134  
a statement of selective service status with that person's 30135  
institution of higher education. 30136

(E) If an institution of higher education receives a 30137  
statement from an individual certifying that the individual has 30138  
registered with the selective service system in accordance with 30139  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 30140  
453, as amended or that the individual is exempt from registration 30141  
for a reason other than that the individual is under eighteen 30142  
years of age, the institution shall not require the individual to 30143  
file any further statements. If it receives a statement certifying 30144  
that the individual is not required to register because the 30145  
individual is under eighteen years of age, the institution shall 30146  
require the individual to file a new statement of selective 30147  
service status each time the individual seeks to enroll for a new 30148  
academic term or makes application for a new loan or loan 30149  
guarantee or for any form of financial assistance for educational 30150

expenses, until it receives a statement certifying that the 30151  
individual has registered with the selective service system or is 30152  
exempt from registration for a reason other than that the 30153  
individual is under eighteen years of age. 30154

**Sec. 3353.02.** (A) There is hereby created the eTech Ohio 30155  
commission as an independent agency to advance education and 30156  
accelerate the learning of the citizens of this state through 30157  
technology. The commission shall provide leadership and support in 30158  
extending the knowledge of the citizens of this state by promoting 30159  
access to and use of all forms of educational technology, 30160  
including educational television and radio, radio reading 30161  
services, broadband networks, videotapes, compact discs, digital 30162  
video on demand (DVD), and the internet. The commission also shall 30163  
administer programs to provide financial and other assistance to 30164  
school districts, educational television and radio stations, radio 30165  
reading services, educational technology organizations, and other 30166  
educational institutions for the acquisition and utilization of 30167  
educational technology. 30168

The commission is a body corporate and politic, an agency of 30169  
the state performing essential governmental functions of the 30170  
state. 30171

(B) The commission shall consist of ~~thirteen~~ fourteen 30172  
members, ~~nine~~ ten of whom shall be voting members. Six of the 30173  
voting members shall be representatives of the public. Of the 30174  
representatives of the public, four shall be appointed by the 30175  
governor with the advice and consent of the senate, one shall be 30176  
appointed by the speaker of the house of representatives, and one 30177  
shall be appointed by the president of the senate. The 30178  
superintendent of public instruction or a designee of the 30179  
superintendent, the chancellor of the Ohio board of regents or a 30180  
designee of the chancellor, ~~and the director of the office of~~ 30181

~~information technology~~ state chief information officer or a 30182  
designee of the ~~director~~ officer, and the president of the Ohio 30183  
alliance for public telecommunications or a designee of the 30184  
president shall be ex officio voting members. Of the nonvoting 30185  
members, two shall be members of the house of representatives 30186  
appointed by the speaker of the house of representatives and two 30187  
shall be members of the senate appointed by the president of the 30188  
senate. The members appointed from each chamber shall not be 30189  
members of the same political party. 30190

(C) Initial terms of office for members appointed by the 30191  
governor shall be one year for one member, two years for one 30192  
member, three years for one member, and four years for one member. 30193  
At the first meeting of the commission, members appointed by the 30194  
governor shall draw lots to determine the length of the term each 30195  
member will serve. Thereafter, terms of office for members 30196  
appointed by the governor shall be for four years. Terms of office 30197  
for voting members appointed by the speaker of the house of 30198  
representatives and the president of the senate shall be for four 30199  
years. Any member who is a representative of the public may be 30200  
reappointed by the member's respective appointing authority, but 30201  
no such member may serve more than two consecutive four-year 30202  
terms. Such a member may be removed by the member's respective 30203  
appointing authority for cause. 30204

Any legislative member appointed by the speaker of the house 30205  
of representatives or the president of the senate who ceases to be 30206  
a member of the legislative chamber from which the member was 30207  
appointed shall cease to be a member of the commission. The 30208  
speaker of the house of representatives and the president of the 30209  
senate may remove their respective appointments to the commission 30210  
at any time. 30211

(D) Vacancies among appointed members shall be filled in the 30212  
manner provided for original appointments. Any member appointed to 30213

fill a vacancy occurring prior to the expiration of the term for 30214  
which the member's predecessor was appointed shall hold office for 30215  
the remainder of that term. Any appointed member shall continue in 30216  
office subsequent to the expiration of that member's term until 30217  
the member's successor takes office or until a period of sixty 30218  
days has elapsed, whichever occurs first. 30219

(E) Members of the commission shall serve without 30220  
compensation. The members who are representatives of the public 30221  
shall be reimbursed, pursuant to office of budget and management 30222  
guidelines, for actual and necessary expenses incurred in the 30223  
performance of official duties. 30224

(F) The governor shall appoint the chairperson of the 30225  
commission from among the commission's voting members who are 30226  
representatives of the public. The chairperson shall serve a term 30227  
of two years and may be reappointed. The commission shall elect 30228  
other officers as necessary from among its voting members and 30229  
shall prescribe its rules of procedure. 30230

(G) The commission shall establish advisory groups ~~as needed~~ 30231  
~~to~~ comprised of interested parties. The advisory groups shall 30232  
address topics of interest and to provide guidance ~~to~~ the 30233  
commission regarding educational technology, educational 30234  
television and radio, radio reading services, and other issues ~~and~~ 30235  
~~the technology needs of educators, learners, and the public~~. 30236  
Members of each advisory group shall be appointed by the 30237  
commission ~~and shall include representatives of individuals or~~ 30238  
~~organizations with an interest in the topic addressed by the~~ 30239  
~~advisory group~~. 30240

**Sec. 3353.03.** (A) The eTech Ohio commission shall appoint an 30241  
executive director, who shall serve at the pleasure of the 30242  
commission. The executive director shall have no authority other 30243  
than that provided by law or delegated to the executive director 30244



by the commission. The executive director shall do all of the 30245  
following: 30246

(1) Direct commission employees in the administration of all 30247  
programs of the commission; 30248

(2) Provide leadership and support in extending the knowledge 30249  
of the citizens of this state by promoting equal access to and use 30250  
of all forms of educational technology, as directed by the 30251  
commission; 30252

(3) Provide financial and other assistance to school 30253  
districts, educational television and radio stations, radio 30254  
reading services, educational technology organizations, and other 30255  
educational institutions, ~~affiliates, and, if approved by the~~ 30256  
~~commission, educational technology organizations~~ for the 30257  
acquisition and utilization of educational technology; 30258

(4) Implement policies and directives issued by the 30259  
commission; 30260

(5) Perform other duties authorized by the commission. 30261

(B) The commission shall fix the compensation of the 30262  
executive director. The executive director shall employ and fix 30263  
the compensation for such employees as necessary to facilitate the 30264  
activities and purposes of the commission. The employees shall 30265  
serve at the pleasure of the executive director. 30266

(C) The employees of the commission shall be placed in the 30267  
unclassified service. 30268

(D)(1) Except as provided in division (D)(2) of this section, 30269  
the employees of the commission shall be exempt from Chapter 4117. 30270  
of the Revised Code and shall not be public employees as defined 30271  
in section 4117.01 of the Revised Code. 30272

(2) All employees of the commission who transferred to the 30273  
commission from one of the commission's predecessor agencies upon 30274

the commission's creation and, when employed by the predecessor 30275  
agency were included in a bargaining unit established under 30276  
Chapter 4117. of the Revised Code, shall continue to be included 30277  
in that bargaining unit, are public employees as defined in 30278  
section 4117.01 of the Revised Code, and may collectively bargain 30279  
with the commission in accordance with that chapter. Otherwise, 30280  
any employee hired by the commission after ~~the effective date of~~ 30281  
~~this section~~ July 1, 2005, either to fill vacancies or to fill new 30282  
positions, shall be exempt from Chapter 4117. of the Revised Code 30283  
and shall not be public employees as defined in section 4117.10 of 30284  
the Revised Code. 30285

Sec. 3353.20. As used in sections 3353.20 to 3353.30 of the 30286  
Revised Code: 30287

(A) "Clearinghouse" means the clearinghouse established under 30288  
section 3353.21 of the Revised Code. 30289

(B) "Data verification code" means the code assigned to a 30290  
student under division (D)(2) of section 3301.0714 of the Revised 30291  
Code. 30292

(C) "One-half unit" of instruction has the same meaning as in 30293  
section 3313.603 of the Revised Code. 30294

(D) A "student's community school" means the community school 30295  
established under Chapter 3314. of the Revised Code in which the 30296  
student is enrolled instead of being enrolled in a school operated 30297  
by a school district. 30298

(E) A "student's school district" means the school district 30299  
operating the school in which the student is lawfully enrolled. 30300

Sec. 3353.21. (A) The eTech Ohio commission shall establish a 30301  
clearinghouse of interactive distance learning courses and other 30302  
distance learning courses delivered via a computer-based method 30303  
offered by school districts for sharing with other school 30304

districts and community schools for the fee set pursuant to 30305  
section 3353.24 of the Revised Code. The commission shall not be 30306  
responsible for the content of courses offered through the 30307  
clearinghouse; however, all such courses shall be delivered only 30308  
in accordance with technical specifications approved by the 30309  
commission. 30310

(B) To offer a course through the clearinghouse, a school 30311  
district shall apply to the commission in a form and manner 30312  
prescribed by the commission. The application for each course 30313  
shall describe the course of study in as much detail as required 30314  
by the commission, the qualification and credentials of the 30315  
teacher, the number of hours of instruction, the technology 30316  
required to deliver and receive the course, the technical capacity 30317  
of the school district to deliver the course, the times that the 30318  
school district plans to deliver the course, and any other 30319  
information required by the commission. The commission may require 30320  
school districts to include in their applications information 30321  
recommended by the state board of education under section 3353.30 30322  
of the Revised Code. 30323

(C) The commission shall review the technical specifications 30324  
of each application submitted under division (B) of this section 30325  
and shall approve a course offered if the commission determines 30326  
that the school district can satisfactorily deliver the course 30327  
through the technology necessary for that delivery. In reviewing 30328  
applications, the commission may consult with the department of 30329  
education; however, the responsibility to either approve or not 30330  
approve a course for the clearinghouse belongs to the commission. 30331  
The commission may request additional information from a school 30332  
district that submits an application under division (B) of this 30333  
section, if the commission determines that such information is 30334  
necessary. The commission may negotiate changes in the proposal to 30335  
offer a course, if the commission determines that changes are 30336

necessary in order to approve the course. 30337

(D) The commission shall catalog each course approved for the 30338  
clearinghouse, through a print or electronic medium, displaying 30339  
the following: 30340

(1) Information necessary for a student and the student's 30341  
parent, guardian, or custodian and the student's school district 30342  
or community school to decide whether to enroll in the course; 30343

(2) Instructions for enrolling in that course, including 30344  
deadlines for enrollment. 30345

**Sec. 3353.22.** (A) A student who is enrolled in a school 30346  
operated by a school district or in a community school may enroll 30347  
in a course included in the clearinghouse only if both of the 30348  
following conditions are satisfied: 30349

(1) The student's enrollment in the course is approved by the 30350  
student's school district or the student's community school. 30351

(2) The student's school district or the student's community 30352  
school agrees to accept for credit the grade assigned by the 30353  
district that is delivering the course. 30354

(B) For each student enrolling in a course, the student's 30355  
school district or the student's community school shall transmit 30356  
the student's data verification code and the student's name to the 30357  
school district delivering the course. 30358

The district delivering the course may request from the 30359  
student's school district or the student's community school other 30360  
information from the student's school record. The student's school 30361  
district or the student's community school shall provide the 30362  
requested information only in accordance with section 3319.321 of 30363  
the Revised Code. 30364

(C) The student's school district or the student's community 30365  
school shall determine the manner in which and facilities at which 30366

the student shall participate in the course consistent with 30367  
specifications for technology and connectivity adopted by the 30368  
commission. 30369

(D) A student may withdraw from a course prior to the end of 30370  
the course only by a date and in a manner prescribed by the 30371  
student's school district or community school. 30372

(E) A student who is enrolled in a school operated by a 30373  
school district or in a community school and who takes a course 30374  
included in the clearinghouse shall be counted in the formula ADM 30375  
of a school district under section 3317.03 of the Revised Code as 30376  
if the student were taking the course from the student's school 30377  
district or the student's community school. 30378

**Sec. 3353.23.** For each student enrolled in a course included 30379  
in the clearinghouse, the student's school district or the 30380  
student's community school and the school district delivering the 30381  
course shall report to the department of education, in accordance 30382  
with the guidelines established under section 3301.0714 of the 30383  
Revised Code, the information the department determines is 30384  
necessary for the department to make the deductions and payments 30385  
required under section 3353.25 of the Revised Code. 30386

**Sec. 3353.24.** (A) Unless the eTech Ohio commission sets a 30387  
different fee amount pursuant to division (B) of this section, the 30388  
fee for each course that is the equivalent of one-half unit of 30389  
instruction offered through the clearinghouse shall be one hundred 30390  
seventy-five dollars per student. The commission shall set the fee 30391  
for a course that is either less than or greater than one-half 30392  
unit of instruction based on the proportional amount the course is 30393  
either less than or greater than one-half unit of instruction. 30394

(B) The commission, by rule adopted in accordance with 30395  
Chapter 119. of the Revised Code, may set a fee for courses 30396

offered through the clearinghouse at a rate other than the one 30397  
specified in division (A) of this section. 30398

(C) The commission shall proportionally reduce the fee for 30399  
any student who withdraws from a course prior to the end of the 30400  
course pursuant to division (D) of section 3353.22 of the Revised 30401  
Code. 30402

Sec. 3353.25. For each student enrolled in a course included 30403  
in the clearinghouse, in accordance with information reported 30404  
under section 3353.23 of the Revised Code and not later than the 30405  
last day of that course, the department of education shall deduct 30406  
the amount of the fee for that course from the student's school 30407  
district or the student's community school, under division (P) of 30408  
section 3317.023 or section 3314.086 or 3317.161 of the Revised 30409  
Code, and shall pay that amount to the school district delivering 30410  
the course. 30411

Sec. 3353.26. The grade for a student who enrolls in a course 30412  
included in the clearinghouse shall be assigned by the school 30413  
district that delivers the course and shall be transmitted by that 30414  
district to the student's school district or the student's 30415  
community school. 30416

Sec. 3353.27. The eTech Ohio commission may determine the 30417  
manner in which a course included in the clearinghouse may be 30418  
offered as a dual enrollment program as defined in section 30419  
3313.6013 of the Revised Code, may be offered to students who are 30420  
enrolled in nonpublic schools or are instructed at home pursuant 30421  
to section 3321.04 of the Revised Code, or may be offered at times 30422  
outside the normal school day or school week, including any 30423  
necessary additional fees and methods of payment for a course so 30424  
offered. 30425

Sec. 3353.28. The eTech Ohio commission shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the implementation of sections 3353.20 to 3353.27 of the Revised Code.

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the Revised Code, or in rules implementing those sections, shall prohibit a school district from offering an interactive distance learning course or other distance learning course using a computer-based method through any means other than the clearinghouse established and maintained under those sections.

Sec. 3353.30. Not later than six months after the effective date of this section, the state board of education shall adopt a resolution recommending to the eTech Ohio commission the types of information about a distance learning course that the commission might require school districts to submit with their applications to include the course in the clearinghouse.

**Sec. 3354.10.** (A) All funds under the control of a board of trustees of a community college district, regardless of the source thereof, may be deposited by such board to its credit in banks or trust companies designated by it. Such banks or trust companies shall furnish security for every such deposit to the extent and in the manner provided in section 135.18 of the Revised Code, but no such deposit shall otherwise be subject to sections 135.01 to 135.21 of the Revised Code. Thereupon, such funds may be disbursed by the board of trustees for the uses and purposes of such district. No contract of the board involving the expenditure of money shall become effective until there is placed thereon by the treasurer as fiscal officer of the district the certificate provided for by section 5705.41 of the Revised Code.

(B) The board of trustees of a community college district may provide for the investment of district funds. Investments may be made in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve. Notwithstanding the foregoing or any provision of the Revised Code to the contrary, the board of trustees of a community college district may provide for the investment of district funds in any manner authorized under section 3345.05 of the Revised Code.

(C) Any community college district is subject to audit by the auditor of state, who shall furnish to the county or counties which created the district a copy of the audit report.

**Sec. 3355.01.** As used in ~~sections 3355.01 to 3355.14,~~ this chapter:

(A) "University branch district" means a political subdivision of the state and a body corporate with all the powers of a corporation, and organized for the purpose of establishing, owning, and operating a branch university district within the territory of such district.

(B) "University branch" means an academic program administered by a state or municipal university in a community other than the community wherein is located the main campus of such university, and affording to the students in such program academic credit corresponding to that afforded to the students on



the main campus upon satisfactory completion of comparable courses 30486  
of instruction. 30487

Sec. 3355.15. A university branch may offer any baccalaureate 30488  
program that has been approved under Chapter 3333. of the Revised 30489  
Code to be offered at the main campus of the university. 30490

**Sec. 3357.01.** As used in ~~sections 3357.01 to 3357.19,~~ 30491  
~~inclusive, of the Revised Code~~ this chapter: 30492

(A) "Technical college" means an institution of education 30493  
beyond the high school, including an institution of higher 30494  
education, organized for the principal purpose of providing for 30495  
the residents of the technical college district, wherein such 30496  
college is situated, any one or more of the instructional programs 30497  
defined in this section as "~~technical college~~ technical college," 30498  
or "adult-education technical programs," normally not exceeding 30499  
two years duration and not leading to a baccalaureate degree. 30500

(B) "Technical college district" means a political 30501  
subdivision of the state and a body corporate with all the powers 30502  
of a corporation, comprised of the territory of a city school 30503  
district or a county, or two or more contiguous school districts 30504  
or counties, which meets the standards prescribed by the Ohio 30505  
board of regents pursuant to section 3357.02 of the Revised Code, 30506  
and which is organized for the purpose of establishing, owning, 30507  
and operating one or more technical colleges within the territory 30508  
of such district. 30509

(C) "Contiguous school districts or counties" means school 30510  
districts or counties so located that each such school district or 30511  
county shares at least one boundary or a portion thereof in common 30512  
with at least one other such school district or county in the 30513  
group of school districts or counties referred to as being 30514  
"contiguous." 30515

(D) "Technical college program" means a post high school 30516  
curricular program provided within a technical college, planned 30517  
and intended to qualify students, after satisfactory completion of 30518  
such a program normally two years in duration, to pursue careers 30519  
in which they provide immediate technical assistance to 30520  
professional or managerial persons generally required to hold 30521  
baccalaureate or higher academic degrees in technical or 30522  
professional fields. The technical and professional fields 30523  
referred to in this section include, but are not limited to, 30524  
engineering and physical, medical, or other sciences. 30525

(E) "Adult-education technical program" means the 30526  
dissemination of post high school technical education service and 30527  
knowledge, for the occupational, or general educational benefit of 30528  
adult persons. 30529

(F) "Charter amendment" means a change in the official plan 30530  
of a technical college for the purpose of acquiring additional 30531  
lands or structures, disposing of or transferring lands or 30532  
structures, erecting structures, creating or abolishing technical 30533  
college or adult education technical curricular programs. 30534

(G) "Baccalaureate-oriented associate degree program" means a 30535  
curricular program of not more than two years' duration that is 30536  
planned and intended to enable students to gain academic credit 30537  
for courses comparable to first- and second-year courses offered 30538  
by accredited colleges and universities. The purpose of 30539  
baccalaureate-oriented associate degree coursework in technical 30540  
colleges is to enable students to transfer to colleges and 30541  
universities and earn baccalaureate degrees or to enable students 30542  
to terminate academic study after two years with a proportionate 30543  
recognition of academic achievement through receipt of an 30544  
associate degree. 30545

**Sec. 3357.10.** (A) The board of trustees of a technical 30546

college district shall elect a treasurer, who is not a member of 30547  
the board, to serve at its pleasure. The treasurer may be the 30548  
person serving as secretary under section 3357.06 of the Revised 30549  
Code. The treasurer shall be the fiscal officer of the district 30550  
and shall receive and disburse all funds of the district under the 30551  
direction of the board. No contract of the board involving the 30552  
expenditure of money shall become effective until the treasurer 30553  
certifies that there are funds of the board otherwise 30554  
unappropriated sufficient to provide therefor. 30555

When the treasurer of the district ceases to hold such 30556  
office, the treasurer or the treasurer's legal representatives 30557  
shall deliver to the board or to the treasurer's successor all 30558  
moneys, books, papers, and other property of the district in the 30559  
treasurer's possession as treasurer. In case of the death or 30560  
incapacity of the treasurer, the treasurer's legal representatives 30561  
shall, in like manner, deliver all moneys, books, papers, and 30562  
other property of the district to the board or to the person named 30563  
as the treasurer's successor. 30564

(B) All funds under the control of a board of trustees of a 30565  
technical college district, regardless of the source of the funds, 30566  
may be deposited by the board to its credit in banks or trust 30567  
companies designated by it. The banks or trust companies shall 30568  
furnish security for every deposit to the extent and in the manner 30569  
provided in section 135.18 of the Revised Code, but no deposit 30570  
shall otherwise be subject to sections 135.01 to 135.21 of the 30571  
Revised Code. Funds deposited in a bank or trust company may be 30572  
disbursed by the board of trustees for the uses and purposes of 30573  
the district. 30574

(C) The board may provide for the investment of district 30575  
funds. Investments may be made in securities of the United States 30576  
government or of its agencies or instrumentalities, the treasurer 30577  
of state's pooled investment program, obligations of this state or 30578

any political subdivision of this state, certificates of deposit 30579  
of any national bank located in this state, written repurchase 30580  
agreements with any eligible Ohio financial institution that is a 30581  
member of the federal reserve system or federal home loan bank, 30582  
money market funds, or bankers acceptances maturing in two hundred 30583  
seventy days or less which are eligible for purchase by the 30584  
federal reserve system, as a reserve. Notwithstanding the 30585  
foregoing or any provision of the Revised Code to the contrary, 30586  
the board of trustees of a technical college district may provide 30587  
for the investment of district funds in any manner authorized 30588  
under section 3345.05 of the Revised Code. 30589

Sec. 3357.13. As used in this section, "state institution of 30590  
higher education" has the same meaning as in section 3345.011 of 30591  
the Revised Code. 30592

A technical college regardless of its co-location with 30593  
another state institution of higher education may offer any 30594  
baccalaureate-oriented associate degree program, provided however 30595  
that any new or expanded programs at co-located campuses must be 30596  
approved by the chancellor of the Ohio board of regents. In 30597  
reviewing such programs, the chancellor shall determine whether 30598  
the proposed program would promote cooperation and collaboration 30599  
between co-located institutions while minimizing duplication. 30600

Sec. 3358.06. (A) The treasurer of each state community 30601  
college district shall be its fiscal officer, and the treasurer 30602  
shall receive and disburse all funds under the direction of the 30603  
college president. No contract of the college's board of trustees 30604  
involving the expenditure of money shall become effective until 30605  
the treasurer certifies that there are funds of the board 30606  
otherwise uncommitted and sufficient to provide therefor. 30607

When the treasurer ceases to hold the office, the treasurer 30608

or the treasurer's legal representative shall deliver to the 30609  
treasurer's successor or the president all moneys, books, papers, 30610  
and other property of the college. 30611

Before entering upon the discharge of official duties, the 30612  
treasurer shall give bond to the state for the faithful 30613  
performance of official duties and the proper accounting for all 30614  
moneys coming into the treasurer's care. The amount of the bond 30615  
shall be determined by the board but shall not be for a sum less 30616  
than the estimated amount that may come into the treasurer's 30617  
control at any time. The bond shall be approved by the attorney 30618  
general. 30619

(B) The board of trustees may provide for the investment of 30620  
district funds. Investments may be made in securities of the 30621  
United States government or of its agencies or instrumentalities, 30622  
the treasurer of state's pooled investment program, obligations of 30623  
this state or any political subdivision of this state, 30624  
certificates of deposit of any national bank located in this 30625  
state, written repurchase agreements with any eligible Ohio 30626  
financial institution that is a member of the federal reserve 30627  
system or federal home loan bank, money market funds, or bankers 30628  
acceptances maturing in two hundred seventy days or less which are 30629  
eligible for purchase by the federal reserve system, as a reserve. 30630  
Notwithstanding the foregoing or any provision of the Revised Code 30631  
to the contrary, the board of trustees of a state community 30632  
college district may provide for the investment of district funds 30633  
in any manner authorized under section 3345.05 of the Revised 30634  
Code. 30635

**Sec. 3365.01.** As used in this chapter: 30636

(A) "College" means any state-assisted college or university 30637  
described in section 3333.041 of the Revised Code, any nonprofit 30638  
institution holding a certificate of authorization pursuant to 30639

Chapter 1713. of the Revised Code, any private institution exempt 30640  
from regulation under Chapter 3332. of the Revised Code as 30641  
prescribed in section 3333.046 of the Revised Code, and any 30642  
institution holding a certificate of registration from the state 30643  
board of career colleges and schools and program authorization for 30644  
an associate or bachelor's degree program issued under section 30645  
3332.05 of the Revised Code. 30646

(B) "School district," except as specified in division (G) of 30647  
this section, means any school district to which a student is 30648  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 30649  
the Revised Code and does not include a joint vocational or 30650  
cooperative education school district. 30651

(C) "Parent" has the same meaning as in section 3313.64 of 30652  
the Revised Code. 30653

(D) "Participant" means a student enrolled in a college under 30654  
the post-secondary enrollment options program established by this 30655  
chapter. 30656

(E) "Secondary grade" means the ninth through twelfth grades. 30657

(F) "School foundation payments" means the amount required to 30658  
be paid to a school district for a fiscal year under Chapter 3317. 30659  
of the Revised Code. 30660

(G) "Tuition base" means, with respect to a participant's 30661  
school district, the ~~greater of the following:~~ 30662

~~(1) The fiscal year 2005 formula amount defined in section 30663  
3317.02 of the Revised Code multiplied by the district's fiscal 30664  
year 2005 cost of doing business factor defined in that section;~~ 30665

~~(2) The sum of (the current formula amount times the current 30666  
cost of doing business factor defined in section 3317.02 of the 30667  
Revised Code) plus the per pupil amount of the base funding 30668  
supplements specified in divisions (C)(1) to (4) of section 30669~~

3317.012 of the Revised Code. 30670

The participant's "school district" in the case of a 30671  
participant enrolled in a community school shall be the school 30672  
district in which the student is entitled to attend school under 30673  
section 3313.64 or 3313.65 of the Revised Code. 30674

(H) "Educational program" means enrollment in one or more 30675  
school districts, in a nonpublic school, or in a college under 30676  
division (B) of section 3365.04 of the Revised Code. 30677

(I) "Nonpublic school" means a chartered or nonchartered 30678  
school for which minimum standards are prescribed by the state 30679  
board of education pursuant to division (D) of section 3301.07 of 30680  
the Revised Code. 30681

(J) "School year" means the year beginning on the first day 30682  
of July and ending on the thirtieth day of June. 30683

(K) "Community school" means any school established pursuant 30684  
to Chapter 3314. of the Revised Code that includes secondary 30685  
grades. 30686

(L) "Community school payments" means payments made by the 30687  
department of education to a community school pursuant to division 30688  
(D) of section 3314.08 of the Revised Code. 30689

**Sec. 3381.04.** (A) In lieu of the procedure set forth in 30690  
section 3381.03 of the Revised Code, any county with a population 30691  
of five hundred thousand or more, at any time before the creation 30692  
of a regional arts and cultural district under that section, may 30693  
create a regional arts and cultural district by adoption of a 30694  
resolution by the board of county commissioners of that county. 30695  
The resolution shall state all of the following: 30696

(1) The purposes for the creation of the district; 30697

(2) That the territory of the district shall be coextensive 30698  
with the territory of the county; 30699

(3) The official name by which the district shall be known;	30700
(4) The location of the principal office of the district or the manner in which the location shall be selected.	30701 30702
(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.	30703 30704 30705 30706 30707 30708
(C) The board of trustees of any regional arts and cultural district formed in accordance with this section shall be comprised of <del>three</del> <u>five</u> members appointed by the board of county commissioners.	30709 30710 30711 30712
<b>Sec. 3501.01.</b> As used in the sections of the Revised Code relating to elections and political communications:	30713 30714
(A) "General election" means the election held on the first Tuesday after the first Monday in each November.	30715 30716
(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.	30717 30718 30719
(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.	30720 30721 30722
(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	30723 30724 30725 30726 30727 30728 30729



be held in February or May, except as authorized by a municipal or 30730  
county charter, but may be held on the first Tuesday after the 30731  
first Monday in March. 30732

(E)(1) "Primary" or "primary election" means an election held 30733  
for the purpose of nominating persons as candidates of political 30734  
parties for election to offices, and for the purpose of electing 30735  
persons as members of the controlling committees of political 30736  
parties and as delegates and alternates to the conventions of 30737  
political parties. Primary elections shall be held on the first 30738  
Tuesday after the first Monday in May of each year except in years 30739  
in which a presidential primary election is held. 30740

(2) "Presidential primary election" means a primary election 30741  
as defined by division (E)(1) of this section at which an election 30742  
is held for the purpose of choosing delegates and alternates to 30743  
the national conventions of the major political parties pursuant 30744  
to section 3513.12 of the Revised Code. Unless otherwise 30745  
specified, presidential primary elections are included in 30746  
references to primary elections. In years in which a presidential 30747  
primary election is held, all primary elections shall be held on 30748  
the first Tuesday after the first Monday in March except as 30749  
otherwise authorized by a municipal or county charter. 30750

(F) "Political party" means any group of voters meeting the 30751  
requirements set forth in section 3517.01 of the Revised Code for 30752  
the formation and existence of a political party. 30753

(1) "Major political party" means any political party 30754  
organized under the laws of this state whose candidate for 30755  
governor or nominees for presidential electors received no less 30756  
than twenty per cent of the total vote cast for such office at the 30757  
most recent regular state election. 30758

(2) "Intermediate political party" means any political party 30759  
organized under the laws of this state whose candidate for 30760

governor or nominees for presidential electors received less than 30761  
twenty per cent but not less than ten per cent of the total vote 30762  
cast for such office at the most recent regular state election. 30763

(3) "Minor political party" means any political party 30764  
organized under the laws of this state whose candidate for 30765  
governor or nominees for presidential electors received less than 30766  
ten per cent but not less than five per cent of the total vote 30767  
cast for such office at the most recent regular state election or 30768  
which has filed with the secretary of state, subsequent to any 30769  
election in which it received less than five per cent of such 30770  
vote, a petition signed by qualified electors equal in number to 30771  
at least one per cent of the total vote cast for such office in 30772  
the last preceding regular state election, except that a newly 30773  
formed political party shall be known as a minor political party 30774  
until the time of the first election for governor or president 30775  
which occurs not less than twelve months subsequent to the 30776  
formation of such party, after which election the status of such 30777  
party shall be determined by the vote for the office of governor 30778  
or president. 30779

(G) "Dominant party in a precinct" or "dominant political 30780  
party in a precinct" means that political party whose candidate 30781  
for election to the office of governor at the most recent regular 30782  
state election at which a governor was elected received more votes 30783  
than any other person received for election to that office in such 30784  
precinct at such election. 30785

(H) "Candidate" means any qualified person certified in 30786  
accordance with the provisions of the Revised Code for placement 30787  
on the official ballot of a primary, general, or special election 30788  
to be held in this state, or any qualified person who claims to be 30789  
a write-in candidate, or who knowingly assents to being 30790  
represented as a write-in candidate by another at either a 30791  
primary, general, or special election to be held in this state. 30792

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for the public office the candidate seeks or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major, intermediate, or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having

the qualifications provided by law to be entitled to vote.	30824
(O) "Voter" means an elector who votes at an election.	30825
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	30826 30827 30828
(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.	30829 30830 30831 30832
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	30833 30834 30835
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	30836 30837 30838
(T) "Political subdivision" means a county, township, city, village, or school district.	30839 30840
(U) "Election officer" or "election official" means any of the following:	30841 30842
(1) Secretary of state;	30843
(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;	30844 30845 30846 30847
(3) Director of a board of elections;	30848
(4) Deputy director of a board of elections;	30849
(5) Member of a board of elections;	30850
(6) Employees of a board of elections;	30851
(7) Precinct polling place judges <del>and clerks</del> ;	30852

(8) Employees appointed by the boards of elections on a 30853  
temporary or part-time basis. 30854

(V) "Acknowledgment notice" means a notice sent by a board of 30855  
elections, on a form prescribed by the secretary of state, 30856  
informing a voter registration applicant or an applicant who 30857  
wishes to change the applicant's residence or name of the status 30858  
of the application; the information necessary to complete or 30859  
update the application, if any; and if the application is 30860  
complete, the precinct in which the applicant is to vote. 30861

(W) "Confirmation notice" means a notice sent by a board of 30862  
elections, on a form prescribed by the secretary of state, to a 30863  
registered elector to confirm the registered elector's current 30864  
address. 30865

(X) "Designated agency" means an office or agency in the 30866  
state that provides public assistance or that provides 30867  
state-funded programs primarily engaged in providing services to 30868  
persons with disabilities and that is required by the National 30869  
Voter Registration Act of 1993 to implement a program designed and 30870  
administered by the secretary of state for registering voters, or 30871  
any other public or government office or agency that implements a 30872  
program designed and administered by the secretary of state for 30873  
registering voters, including the department of job and family 30874  
services, the program administered under section 3701.132 of the 30875  
Revised Code by the department of health, the department of mental 30876  
health, the department of mental retardation and developmental 30877  
disabilities, the rehabilitation services commission, and any 30878  
other agency the secretary of state designates. "Designated 30879  
agency" does not include public high schools and vocational 30880  
schools, public libraries, or the office of a county treasurer. 30881

(Y) "National Voter Registration Act of 1993" means the 30882  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 30883  
U.S.C.A. 1973gg. 30884

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 30885  
30886

(AA) "Photo identification" means a document that meets each of the following requirements: 30887  
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(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. 30889  
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(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. 30892  
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(3) It shows a photograph of the individual to whom it was issued. 30900  
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(4) It includes an expiration date that has not passed. 30902

(5) It was issued by the government of the United States or this state. 30903  
30904

**Sec. 3501.05.** The secretary of state shall do all of the following: 30905  
30906

(A) Appoint all members of boards of elections; 30907

(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 30908  
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as a directive or advisory is issued. The secretary of state shall 30915  
not remove from the web site any directives and advisories so 30916  
posted. The secretary of state shall provide on that web site 30917  
access to all directives and advisories currently in effect and ~~to~~ 30918  
maintain an archive of all directives and advisories previously 30919  
published on that web site. 30920

(C) Prepare rules and instructions for the conduct of 30921  
elections; 30922

(D) Publish and furnish to the boards from time to time a 30923  
sufficient number of indexed copies of all election laws then in 30924  
force; 30925

(E) Edit and issue all pamphlets concerning proposed laws or 30926  
amendments required by law to be submitted to the voters; 30927

(F) Prescribe the form of registration cards, blanks, and 30928  
records; 30929

(G) Determine and prescribe the forms of ballots and the 30930  
forms of all blanks, cards of instructions, pollbooks, tally 30931  
sheets, certificates of election, and forms and blanks required by 30932  
law for use by candidates, committees, and boards; 30933

(H) Prepare the ballot title or statement to be placed on the 30934  
ballot for any proposed law or amendment to the constitution to be 30935  
submitted to the voters of the state; 30936

(I) Except as otherwise provided in section 3519.08 of the 30937  
Revised Code, certify to the several boards the forms of ballots 30938  
and names of candidates for state offices, and the form and 30939  
wording of state referendum questions and issues, as they shall 30940  
appear on the ballot; 30941

(J) Except as otherwise provided in division (I)(2)(b) of 30942  
section 3501.38 of the Revised Code, give final approval to ballot 30943  
language for any local question or issue approved and transmitted 30944

by boards of elections under section 3501.11 of the Revised Code; 30945

(K) Receive all initiative and referendum petitions on state 30946  
questions and issues and determine and certify to the sufficiency 30947  
of those petitions; 30948

(L) Require such reports from the several boards as are 30949  
provided by law, or as the secretary of state considers necessary; 30950

(M) Compel the observance by election officers in the several 30951  
counties of the requirements of the election laws; 30952

(N)(1) Except as otherwise provided in division (N)(2) of 30953  
this section, investigate the administration of election laws, 30954  
frauds, and irregularities in elections in any county, and report 30955  
violations of election laws to the attorney general or prosecuting 30956  
attorney, or both, for prosecution; 30957

(2) On and after August 24, 1995, report a failure to comply 30958  
with or a violation of a provision in sections 3517.08 to 3517.13, 30959  
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 30960  
Revised Code, whenever the secretary of state has or should have 30961  
knowledge of a failure to comply with or a violation of a 30962  
provision in one of those sections, by filing a complaint with the 30963  
Ohio elections commission under section 3517.153 of the Revised 30964  
Code; 30965

(O) Make an annual report to the governor containing the 30966  
results of elections, the cost of elections in the various 30967  
counties, a tabulation of the votes in the several political 30968  
subdivisions, and other information and recommendations relative 30969  
to elections the secretary of state considers desirable; 30970

(P) Prescribe and distribute to boards of elections a list of 30971  
instructions indicating all legal steps necessary to petition 30972  
successfully for local option elections under sections 4301.32 to 30973  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 30974



(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 30975  
~~to require each board for the removal by boards~~ of elections ~~to~~ 30976  
~~remove of~~ ineligible voters from the statewide voter registration 30977  
database and, if ~~already prepared for a particular election~~ 30978  
applicable, from the poll list or signature pollbook used in each 30979  
precinct, which rules shall provide for all of the following: 30980

(1) A process for the removal of voters who have changed 30981  
residence, which shall be uniform, nondiscriminatory, and in 30982  
compliance with the Voting Rights Act of 1965 and the National 30983  
Voter Registration Act of 1993, including a program that uses the 30984  
national change of address service provided by the United States 30985  
postal system through its licensees; 30986

(2) A process for the removal of ineligible voters under 30987  
section 3503.21 of the Revised Code; 30988

(3) A uniform system for marking or removing the name of ~~an~~ 30989  
~~ineligible a voter who is ineligible to vote~~ from the statewide 30990  
voter registration database and, if ~~already prepared for a~~ 30991  
~~particular election applicable~~, from the poll list or signature 30992  
pollbook used in each precinct and noting the reason for that mark 30993  
or removal. 30994

(R) Prescribe a general program for registering voters or 30995  
updating voter registration information, such as name and 30996  
residence changes, at designated agencies, the offices of deputy 30997  
registrars of motor vehicles, public high schools and vocational 30998  
schools, public libraries, and the offices of county treasurers, 30999  
and prescribe a program of distribution of voter registration 31000  
forms through those agencies, the offices of the registrar and 31001  
deputy registrars of motor vehicles, public high schools and 31002  
vocational schools, public libraries, and the offices of county 31003  
treasurers; 31004

(S) To the extent feasible, provide copies, at no cost and 31005

upon request, of the voter registration form in post offices in 31006  
this state; 31007

(T) Adopt rules pursuant to section 111.15 of the Revised 31008  
Code for the purpose of implementing the program for registering 31009  
voters at designated agencies and the offices of the registrar and 31010  
deputy registrars of motor vehicles consistent with this chapter; 31011

(U) Establish the full-time position of Americans with 31012  
Disabilities Act coordinator within the office of the secretary of 31013  
state to do all of the following: 31014

(1) Assist the secretary of state with ensuring that there is 31015  
equal access to polling places for persons with disabilities; 31016

(2) Assist the secretary of state with ensuring that each 31017  
voter may cast the voter's ballot in a manner that provides the 31018  
same opportunity for access and participation, including privacy 31019  
and independence, as for other voters; 31020

(3) Advise the secretary of state in the development of 31021  
standards for the certification of voting machines, marking 31022  
devices, and automatic tabulating equipment. 31023

(V) Establish and maintain a computerized statewide database 31024  
of all legally registered voters under section 3503.15 of the 31025  
Revised Code that complies with the requirements of the "Help 31026  
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 31027  
and provide training in the operation of that system; 31028

(W) Ensure that all directives, advisories, other 31029  
instructions, or decisions issued or made during or as a result of 31030  
any conference or teleconference call with a board of elections to 31031  
discuss the proper methods and procedures for conducting 31032  
elections, to answer questions regarding elections, or to discuss 31033  
the interpretation of directives, advisories, or other 31034  
instructions issued by the secretary of state are posted on a web 31035  
site of the office of the secretary of state as soon as is 31036

practicable after the completion of the conference or 31037  
teleconference call, but not later than the close of business on 31038  
the same day as the conference or teleconference call takes place. 31039

(X) Publish a report on a web site of the office of the 31040  
secretary of state not later than one month after the completion 31041  
of the canvass of the election returns for each primary and 31042  
general election, identifying, by county, the number of absent 31043  
voter's ballots cast and the number of those ballots that were 31044  
counted, and the number of provisional ballots cast and the number 31045  
of those ballots that were counted, for that election. The 31046  
secretary of state shall maintain the information on the web site 31047  
in an archive format for each subsequent election. 31048

(Y) Conduct voter education outlining voter identification, 31049  
absent voters ballot, provisional ballot, and other voting 31050  
requirements; 31051

(Z) Establish a procedure by which a registered elector may 31052  
~~update the elector's~~ make available to a board of elections a more 31053  
recent signature to be used in the poll list or signature pollbook 31054  
produced by the board of elections of the county in which the 31055  
elector resides; 31056

(AA) Disseminate information, which may include all or part 31057  
of the official explanations and arguments, by means of direct 31058  
mail or other written publication, broadcast, or other means or 31059  
combination of means, as directed by the Ohio ballot board under 31060  
division (F) of section 3505.062 of the Revised Code, in order to 31061  
inform the voters as fully as possible concerning each proposed 31062  
constitutional amendment, proposed law, or referendum; 31063

(BB) Perform other duties required by law. 31064

Whenever a primary election is held under section 3513.32 of 31065  
the Revised Code or a special election is held under section 31066  
3521.03 of the Revised Code to fill a vacancy in the office of 31067

representative to congress, the secretary of state shall establish 31068  
a deadline, notwithstanding any other deadline required under the 31069  
Revised Code, by which any or all of the following shall occur: 31070  
the filing of a declaration of candidacy and petitions or a 31071  
statement of candidacy and nominating petition together with the 31072  
applicable filing fee; the filing of protests against the 31073  
candidacy of any person filing a declaration of candidacy or 31074  
nominating petition; the filing of a declaration of intent to be a 31075  
write-in candidate; the filing of campaign finance reports; the 31076  
preparation of, and the making of corrections or challenges to, 31077  
precinct voter registration lists; the receipt of applications for 31078  
absent voter's ballots or armed service absent voter's ballots; 31079  
the supplying of election materials to precincts by boards of 31080  
elections; the holding of hearings by boards of elections to 31081  
consider challenges to the right of a person to appear on a voter 31082  
registration list; and the scheduling of programs to instruct or 31083  
reinstruct election officers. 31084

In the performance of the secretary of state's duties as the 31085  
chief election officer, the secretary of state may administer 31086  
oaths, issue subpoenas, summon witnesses, compel the production of 31087  
books, papers, records, and other evidence, and fix the time and 31088  
place for hearing any matters relating to the administration and 31089  
enforcement of the election laws. 31090

In any controversy involving or arising out of the adoption 31091  
of registration or the appropriation of funds for registration, 31092  
the secretary of state may, through the attorney general, bring an 31093  
action in the name of the state in the court of common pleas of 31094  
the county where the cause of action arose or in an adjoining 31095  
county, to adjudicate the question. 31096

In any action involving the laws in Title XXXV of the Revised 31097  
Code wherein the interpretation of those laws is in issue in such 31098  
a manner that the result of the action will affect the lawful 31099

duties of the secretary of state or of any board of elections, the 31100  
secretary of state may, on the secretary of state's motion, be 31101  
made a party. 31102

The secretary of state may apply to any court that is hearing 31103  
a case in which the secretary of state is a party, for a change of 31104  
venue as a substantive right, and the change of venue shall be 31105  
allowed, and the case removed to the court of common pleas of an 31106  
adjoining county named in the application or, if there are cases 31107  
pending in more than one jurisdiction that involve the same or 31108  
similar issues, the court of common pleas of Franklin county. 31109

Public high schools and vocational schools, public libraries, 31110  
and the office of a county treasurer shall implement voter 31111  
registration programs as directed by the secretary of state 31112  
pursuant to this section. 31113

**Sec. 3501.11.** Each board of elections shall exercise by a 31114  
majority vote all powers granted to the board by Title XXXV of the 31115  
Revised Code, shall perform all the duties imposed by law, and 31116  
shall do all of the following: 31117

(A) Establish, define, provide, rearrange, and combine 31118  
election precincts; 31119

(B) Fix and provide the places for registration and for 31120  
holding primaries and elections; 31121

(C) Provide for the purchase, preservation, and maintenance 31122  
of booths, ballot boxes, books, maps, flags, blanks, cards of 31123  
instructions, and other forms, papers, and equipment used in 31124  
registration, nominations, and elections; 31125

(D) Appoint and remove its director, deputy director, and 31126  
employees and all registrars, judges, and other officers of 31127  
elections, fill vacancies, and designate the ward or district and 31128  
precinct in which each shall serve; 31129

(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;	31130 31131 31132 31133
(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;	31134 31135
(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 <u>and divisions (F) and (G) of section 3505.062</u> of the Revised Code;	31136 31137 31138 31139
(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;	31140 31141
(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.	31142 31143 31144 31145 31146 31147 31148 31149
(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 <u>or the secretary of state</u> ;	31150 31151 31152 31153 31154 31155 31156
(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;	31157 31158 31159 31160

(L) Receive the returns of elections, canvass the returns,	31161
make abstracts of them, and transmit those abstracts to the proper	31162
authorities;	31163
(M) Issue certificates of election on forms to be prescribed	31164
by the secretary of state;	31165
(N) Make an annual report to the secretary of state, on the	31166
form prescribed by the secretary of state, containing a statement	31167
of the number of voters registered, elections held, votes cast,	31168
appropriations received, expenditures made, and other data	31169
required by the secretary of state;	31170
(O) Prepare and submit to the proper appropriating officer a	31171
budget estimating the cost of elections for the ensuing fiscal	31172
year;	31173
(P) Perform other duties as prescribed by law or the rules,	31174
directives, or advisories of the secretary of state;	31175
(Q) Investigate and determine the residence qualifications of	31176
electors;	31177
(R) Administer oaths in matters pertaining to the	31178
administration of the election laws;	31179
(S) Prepare and submit to the secretary of state, whenever	31180
the secretary of state requires, a report containing the names and	31181
residence addresses of all incumbent county, municipal, township,	31182
and board of education officials serving in their respective	31183
counties;	31184
(T) Establish and maintain a voter registration <u>database</u> of	31185
all qualified electors in the county who offer to register;	31186
(U) Maintain voter registration records, make reports	31187
concerning voter registration as required by the secretary of	31188
state, and remove ineligible electors from voter registration	31189
lists in accordance with law and directives of the secretary of	31190

state; 31191

(V) Give approval to ballot language for any local question 31192  
or issue and transmit the language to the secretary of state for 31193  
the secretary of state's final approval; 31194

(W) Prepare and cause the following notice to be displayed in 31195  
a prominent location in every polling place: 31196

"NOTICE 31197

Ohio law prohibits any person from voting or attempting to 31198  
vote more than once at the same election. 31199

Violators are guilty of a felony of the fourth degree and 31200  
shall be imprisoned and additionally may be fined in accordance 31201  
with law." 31202

(X) In all cases of a tie vote or a disagreement in the 31203  
board, if no decision can be arrived at, the director or 31204  
chairperson shall submit the matter in controversy, not later than 31205  
fourteen days after the tie vote or the disagreement, to the 31206  
secretary of state, who shall summarily decide the question, and 31207  
the secretary of state's decision shall be final. 31208

(Y) Assist each designated agency, deputy registrar of motor 31209  
vehicles, public high school and vocational school, public 31210  
library, and office of a county treasurer in the implementation of 31211  
a program for registering voters at all voter registration 31212  
locations as prescribed by the secretary of state. Under this 31213  
program, each board of elections shall direct to the appropriate 31214  
board of elections any voter registration applications for persons 31215  
residing outside the county where the board is located within five 31216  
days after receiving the applications. 31217

(Z) On any day on which an elector may vote in person at the 31218  
office of the board or at another site designated by the board, 31219  
consider the board or other designated site a polling place for 31220  
that day. All requirements or prohibitions of law that apply to a 31221



polling place shall apply to the office of the board or other 31222  
designated site on that day. 31223

**Sec. 3501.17.** (A) The expenses of the board of elections 31224  
shall be paid from the county treasury, in pursuance of 31225  
appropriations by the board of county commissioners, in the same 31226  
manner as other county expenses are paid. If the board of county 31227  
commissioners fails to appropriate an amount sufficient to provide 31228  
for the necessary and proper expenses of the board of elections 31229  
pertaining to the conduct of elections, the board of elections may 31230  
apply to the court of common pleas within the county, which shall 31231  
fix the amount necessary to be appropriated and the amount shall 31232  
be appropriated. Payments shall be made upon vouchers of the board 31233  
of elections certified to by its chairperson or acting chairperson 31234  
and the director or deputy director, upon warrants of the county 31235  
auditor. 31236

The board of elections shall not incur any obligation 31237  
involving the expenditure of money unless there are moneys 31238  
sufficient in the funds appropriated therefor to meet the 31239  
obligation. If the board of elections requests a transfer of funds 31240  
from one of its appropriation items to another, the board of 31241  
county commissioners shall adopt a resolution providing for the 31242  
transfer except as otherwise provided in section 5705.40 of the 31243  
Revised Code. The expenses of the board of elections shall be 31244  
apportioned among the county and the various subdivisions as 31245  
provided in this section, and the amount chargeable to each 31246  
subdivision shall be withheld by the auditor from the moneys 31247  
payable thereto at the time of the next tax settlement. At the 31248  
time of submitting budget estimates in each year, the board of 31249  
elections shall submit to the taxing authority of each 31250  
subdivision, upon the request of the subdivision, an estimate of 31251  
the amount to be withheld from the subdivision during the next 31252  
fiscal year. 31253

(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 31287  
divided by the number of precincts participating in such election, 31288  
in order to fix the cost per precinct; third, the cost per 31289  
precinct shall be prorated by the board of elections to the 31290  
subdivisions conducting elections for the nomination or election 31291  
of offices in such precinct; fourth, the total cost for each 31292  
subdivision shall be determined by adding the charges prorated to 31293  
it in each precinct within the subdivision. 31294

(D) The entire cost of special elections held on a day other 31295  
than the day of a primary or general election, both in 31296  
odd-numbered or in even-numbered years, shall be charged to the 31297  
subdivision. Where a special election is held on the same day as a 31298  
primary or general election in an even-numbered year, the 31299  
subdivision submitting the special election shall be charged only 31300  
for the cost of ballots and advertising. Where a special election 31301  
is held on the same day as a primary or general election in an 31302  
odd-numbered year, the subdivision submitting the special election 31303  
shall be charged for the cost of ballots and advertising for such 31304  
special election, in addition to the charges prorated to such 31305  
subdivision for the election or nomination of candidates in each 31306  
precinct within the subdivision, as set forth in the preceding 31307  
paragraph. 31308

(E) Where a special election is held on the day specified by 31309  
division (E) of section 3501.01 of the Revised Code for the 31310  
holding of a primary election, for the purpose of submitting to 31311  
the voters of the state constitutional amendments proposed by the 31312  
general assembly, and a subdivision conducts a special election on 31313  
the same day, the entire cost of the special election shall be 31314  
divided proportionally between the state and the subdivision based 31315  
upon a ratio determined by the number of issues placed on the 31316  
ballot by each, except as otherwise provided in division (G) of 31317  
this section. Such proportional division of cost shall be made 31318

only to the extent funds are available for such purpose from 31319  
amounts appropriated by the general assembly to the secretary of 31320  
state. If a primary election is also being conducted in the 31321  
subdivision, the costs shall be apportioned as otherwise provided 31322  
in this section. 31323

(F) When a precinct is open during a general, primary, or 31324  
special election solely for the purpose of submitting to the 31325  
voters a statewide ballot issue, the state shall bear the entire 31326  
cost of the election in that precinct and shall reimburse the 31327  
county for all expenses incurred in opening the precinct. 31328

(G) The state shall bear the entire cost of advertising in 31329  
newspapers statewide ballot issues, explanations of those issues, 31330  
and arguments for or against those issues, as required by Section 31331  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 31332  
and any other section of law ~~and~~. The Ohio ballot board shall 31333  
reimburse the ~~counties~~ secretary of state for all expenses they 31334  
~~incur~~ the secretary of state incurs for such advertising under 31335  
division (G) of section 3505.062 of the Revised Code. 31336

(H) The cost of renting, heating, and lighting registration 31337  
places; the cost of the necessary books, forms, and supplies for 31338  
the conduct of registration; and the cost of printing and posting 31339  
precinct registration lists shall be charged to the subdivision in 31340  
which such registration is held. 31341

(I) At the request of a majority of the members of the board 31342  
of elections, the board of county commissioners may, by 31343  
resolution, establish an elections revenue fund. Except as 31344  
otherwise provided in this division, the purpose of the fund shall 31345  
be to accumulate revenue withheld by or paid to the county under 31346  
this section for the payment of any expense related to the duties 31347  
of the board of elections specified in section 3501.11 of the 31348  
Revised Code, upon approval of a majority of the members of the 31349  
board of elections. The fund shall not accumulate any revenue 31350

withheld by or paid to the county under this section for the 31351  
compensation of the members of the board of elections or of the 31352  
director, deputy director, or other regular employees in the 31353  
board's offices, other than compensation for overtime worked. 31354

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 31355  
Revised Code, the board of county commissioners may, by 31356  
resolution, transfer money to the elections revenue fund from any 31357  
other fund of the political subdivision from which such payments 31358  
lawfully may be made. Following an affirmative vote of a majority 31359  
of the members of the board of elections, the board of county 31360  
commissioners may, by resolution, rescind an elections revenue 31361  
fund established under this division. If an elections revenue fund 31362  
is rescinded, money that has accumulated in the fund shall be 31363  
transferred to the county general fund. 31364

(J) As used in this section, ~~"statewide:~~ 31365

(1) "Political subdivision" and "subdivision" mean any board 31366  
of county commissioners, board of township trustees, legislative 31367  
authority of a municipal corporation, board of education, or any 31368  
other board, commission, district, or authority that is empowered 31369  
to levy taxes or permitted to receive the proceeds of a tax levy, 31370  
regardless of whether the entity receives tax settlement moneys as 31371  
described in division (A) of this section; 31372

(2) "Statewide ballot issue" means any ballot issue, whether 31373  
proposed by the general assembly or by initiative or referendum, 31374  
that is submitted to the voters throughout the state. 31375

**Sec. 3501.31.** The board of elections shall mail to each 31376  
precinct election official notice of the date, hours, and place of 31377  
holding each election in the official's respective precinct at 31378  
which it desires the official to serve. Each of such officials 31379  
shall notify the board immediately upon receipt of such notice of 31380  
any inability to serve. 31381

The election official designated as presiding judge under 31382  
section 3501.22 of the Revised Code shall call at the office of 31383  
the board at such time before the day of the election, not earlier 31384  
than the tenth day before the day of the election, as the board 31385  
designates to obtain the ballots, pollbooks, registration forms 31386  
and lists, and other material to be used in the official's polling 31387  
place on election day. 31388

The board may also provide for the delivery of such materials 31389  
to polling places in a municipal corporation by members of the 31390  
police department of such municipal corporation; or the board may 31391  
provide for the delivery of such materials to the presiding judge 31392  
not earlier than the tenth day before the election, in any manner 31393  
it finds to be advisable. 31394

On election day the precinct election officials shall 31395  
punctually attend the polling place one-half hour before the time 31396  
fixed for opening the polls. Each of the precinct election 31397  
officials shall thereupon make and subscribe to a statement which 31398  
shall be as follows: 31399

"State of Ohio 31400  
County of ..... 31401

I do solemnly swear under the penalty of perjury that I will 31402  
support the constitution of the United States of America and the 31403  
constitution of the state of Ohio and its laws; that I have not 31404  
been convicted of a felony or any violation of the election laws; 31405  
that I will discharge to the best of my ability the duties of 31406  
~~..... (judge or clerk) .....~~ judge 31407  
of election in and for precinct ..... in the 31408  
..... (township) or (ward and city or village) 31409  
..... in the county of ....., in the 31410  
election to be held on the ..... day of ....., 31411  
....., as required by law and the rules and instructions of the 31412

board of elections of said county; and that I will endeavor to 31413  
prevent fraud in such election, and will report immediately to 31414  
said board any violations of the election laws which come to my 31415  
attention, and will not disclose any information as to how any 31416  
elector voted which is gained by me in the discharge of my 31417  
official duties. 31418

..... 31419  
..... 31420  
..... 31421  
..... 31422  
..... 31423  
..... 31424

(Signatures of precinct election officials)" 31425

If any of the other precinct officials is absent at that 31426  
time, the presiding judge, with the concurrence of a majority of 31427  
the precinct election officials present, shall appoint a qualified 31428  
elector who is a member of the same political party as the 31429  
political party of which such absent precinct election official is 31430  
a member to fill the vacancy until the board appoints a person to 31431  
fill such vacancy and the person so appointed reports for duty at 31432  
the polling place. The presiding judge shall promptly notify the 31433  
board of such vacancy by telephone or otherwise. The presiding 31434  
judge also shall assign the precinct election officials to their 31435  
respective duties and shall have general charge of the polling 31436  
place. 31437

**Sec. 3505.062.** The Ohio ballot board shall do all of the 31438  
following: 31439

(A) Examine, within ten days after its receipt, each written 31440  
initiative petition received from the attorney general under 31441  
section 3519.01 of the Revised Code to determine whether it 31442

contains only one proposed law or constitutional amendment so as 31443  
to enable the voters to vote on a proposal separately. If the 31444  
board so determines, it shall certify its approval to the attorney 31445  
general, who then shall file with the secretary of state in 31446  
accordance with division (A) of section 3519.01 of the Revised 31447  
Code a verified copy of the proposed law or constitutional 31448  
amendment together with its summary and the attorney general's 31449  
certification of it. 31450

If the board determines that the initiative petition contains 31451  
more than one proposed law or constitutional amendment, the board 31452  
shall divide the initiative petition into individual petitions 31453  
containing only one proposed law or constitutional amendment so as 31454  
to enable the voters to vote on each proposal separately and 31455  
certify its approval to the attorney general. If the board so 31456  
divides an initiative petition and so certifies its approval to 31457  
the attorney general, the petitioners shall resubmit to the 31458  
attorney general appropriate summaries for each of the individual 31459  
petitions arising from the board's division of the initiative 31460  
petition, and the attorney general then shall review the 31461  
resubmissions as provided in division (A) of section 3519.01 of 31462  
the Revised Code. 31463

(B) Prescribe the ballot language for constitutional 31464  
amendments proposed by the general assembly to be printed on the 31465  
questions and issues ballot, which language shall properly 31466  
identify the substance of the proposal to be voted upon; 31467

(C) Prepare an explanation of each constitutional amendment 31468  
proposed by the general assembly, which explanation may include 31469  
the purpose and effects of the proposed amendment; 31470

(D) Certify the ballot language and explanation, if any, to 31471  
the secretary of state no later than seventy-five days before the 31472  
election at which the proposed question or issue is to be 31473  
submitted to the voters; 31474



(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;

(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;

(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:

(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;

(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;

(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.

**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 31505  
to prepare arguments against the proposed amendment. If no members 31506  
voted in opposition to the resolution, or if the general assembly 31507  
chooses not to designate a group of members to prepare arguments 31508  
for the proposed amendment or chooses not to designate a group of 31509  
members to prepare arguments against the proposed amendment, the 31510  
Ohio ballot board shall prepare or designate a group of persons to 31511  
prepare the relevant arguments. All arguments prepared under this 31512  
division shall be filed with the secretary of state not later than 31513  
eighty days before the date of the election. No argument shall 31514  
exceed three hundred words. 31515

(B)(1) If the group of members of the general assembly or 31516  
other group of persons designated under division (A) of this 31517  
section fail to prepare and file their arguments in support of or 31518  
in opposition to the proposed amendment by the eightieth day 31519  
before the date of the election, the secretary of state shall 31520  
notify the Ohio ballot board that those arguments have not been so 31521  
prepared and filed. The board then shall prepare the missing 31522  
arguments or designate a group of persons to prepare those 31523  
arguments. All arguments prepared under this division shall be 31524  
filed with the secretary of state not later than seventy-five days 31525  
before the date of the election. No argument shall exceed three 31526  
hundred words. 31527

(2) If the Ohio ballot board fails to provide for the 31528  
preparation of missing arguments under division (B)(1) of this 31529  
section after being notified by the secretary of state that one or 31530  
more arguments have not been timely prepared and filed, the 31531  
positions of the four appointed members of the board shall be 31532  
considered vacant, and new members shall be appointed in the 31533  
manner provided for original appointments. 31534

~~(C) The secretary of state shall disseminate information, 31535  
which may include part or all of the official explanation and 31536~~

~~arguments concerning proposed amendments, by means of direct mail 31537  
or other written publication, broadcast, or other means or 31538  
combination of means, as the Ohio ballot board may direct, in 31539  
order to inform the voters as fully as possible concerning 31540  
proposed amendments. 31541~~

**Sec. 3505.23.** No voter shall be allowed to occupy a voting 31542  
compartment or use a voting machine more than five minutes when 31543  
all the voting compartments or machines are in use and voters are 31544  
waiting to occupy them. Except as otherwise provided by section 31545  
3505.24 of the Revised Code, no voter shall occupy a voting 31546  
compartment or machine with another person or speak to anyone, nor 31547  
shall anyone speak to the voter, while the voter is in a voting 31548  
compartment or machine. 31549

In precincts that do not use voting machines the following 31550  
procedure shall be followed: 31551

If a voter tears, soils, defaces, or erroneously marks a 31552  
ballot the voter may return it to the precinct election officials 31553  
and a second ballot shall be issued to the voter. Before returning 31554  
a torn, soiled, defaced, or erroneously marked ballot, the voter 31555  
shall fold it so as to conceal any marks the voter made upon it, 31556  
but the voter shall not remove Stub A therefrom. If the voter 31557  
tears, soils, defaces, or erroneously marks such second ballot, 31558  
the voter may return it to the precinct election officials, and a 31559  
third ballot shall be issued to the voter. In no case shall more 31560  
than three ballots be issued to a voter. Upon receiving a returned 31561  
torn, soiled, defaced, or erroneously marked ballot the precinct 31562  
election officials shall detach Stub A therefrom, write "Defaced" 31563  
on the back of such ballot, and place the stub and the ballot in 31564  
the separate containers provided therefor. 31565

No elector shall leave the polling place until the elector 31566  
returns to the precinct election officials every ballot issued to 31567

the elector with Stub A on each ballot attached thereto, 31568  
regardless of whether the elector has or has not placed any marks 31569  
upon the ballot. 31570

Before leaving the voting compartment, the voter shall fold 31571  
each ballot marked by the voter so that no part of the face of the 31572  
ballot is visible, and so that the printing thereon indicating the 31573  
kind of ballot it is and the facsimile signatures of the members 31574  
of the board of elections are visible. The voter shall then leave 31575  
the voting compartment, deliver the voter's ballots, and state the 31576  
voter's name to the judge having charge of the ballot boxes, who 31577  
shall announce the name, detach Stub A from each ballot, and 31578  
announce the number on the stubs. The ~~clerks~~ judges in charge of 31579  
the poll lists or poll books shall check to ascertain whether the 31580  
number so announced is the number on Stub B of the ballots issued 31581  
to such voter, and if no discrepancy appears to exist, the judge 31582  
in charge of the ballot boxes shall, in the presence of the voter, 31583  
deposit each such ballot in the proper ballot box and shall place 31584  
Stub A from each ballot in the container provided therefor. The 31585  
voter shall then immediately leave the polling place. 31586

No ballot delivered by a voter to the judge in charge of the 31587  
ballot boxes with Stub A detached therefrom, and only ballots 31588  
provided in accordance with Title XXXV of the Revised Code, shall 31589  
be voted or deposited in the ballot boxes. 31590

In marking a presidential ballot, the voter shall record the 31591  
vote in the manner provided on the ballot next to the names of the 31592  
candidates for the offices of president and vice-president. Such 31593  
ballot shall be considered and counted as a vote for each of the 31594  
candidates for election as presidential elector whose names were 31595  
certified to the secretary of state by the political party of such 31596  
nominees for president and vice-president. 31597

In marking an office type ballot or nonpartisan ballot, the 31598  
voter shall record the vote in the manner provided on the ballot 31599

next to the name of each candidate for whom the voter desires to  
vote. 31600  
31601

In marking a primary election ballot, the voter shall record 31602  
the vote in the manner provided on the ballot next to the name of 31603  
each candidate for whom the voter desires to vote. If the voter 31604  
desires to vote for the nomination of a person whose name is not 31605  
printed on the primary election ballot, the voter may do so by 31606  
writing such person's name on the ballot in the proper place 31607  
provided for such purpose. 31608

In marking a questions and issues ballot, the voter shall 31609  
record the vote in the manner provided on the ballot at the left 31610  
or at the right of "YES" or "NO" or other words of similar import 31611  
which are printed on the ballot to enable the voter to indicate 31612  
how the voter votes in connection with each question or issue upon 31613  
which the voter desires to vote. 31614

In marking any ballot on which a blank space has been 31615  
provided wherein an elector may write in the name of a person for 31616  
whom ~~he~~ the elector desires to vote, the elector shall write such 31617  
person's name in such blank space and on no other place on the 31618  
ballot. Unless specific provision is made by statute, no blank 31619  
space shall be provided on a ballot for write-in votes, and any 31620  
names written on a ballot other than in a blank space provided 31621  
therefor shall not be counted or recorded. 31622

**Sec. 3513.21.** At the close of the polls in a primary 31623  
election, the judges ~~and clerks~~ of election shall proceed without 31624  
delay to canvass the vote, sign and seal it, and make returns 31625  
thereof to the board of elections forthwith on the forms to be 31626  
provided by the board. The provisions of Title XXXV of the Revised 31627  
Code relating to the accounting for and return of all ballots at 31628  
general elections apply to primary ballots. 31629

If there is any disagreement as to how a ballot should be 31630

counted it shall be submitted to all of the judges. If three of 31631  
the judges do not agree as to how any part of the ballot shall be 31632  
counted, that part of such ballot which three of the judges do 31633  
agree shall be counted and a notation made upon the ballot 31634  
indicating what part has not been counted, and shall be placed in 31635  
an envelope provided for that purpose, marked "Disputed Ballots" 31636  
and returned to the board. ~~When the board has, by the adoption of~~ 31637  
~~a resolution, provided that the officials at a party primary~~ 31638  
~~election when only one party primary is to be held for the~~ 31639  
~~nomination of candidates for municipal office, shall be two judges~~ 31640  
~~and two clerks, the clerks shall be considered judges for the~~ 31641  
~~purposes of this section.~~ 31642

The board shall, on the day when the vote is canvassed, open 31643  
such sealed envelopes, determine what ballots and for whom they 31644  
should be counted, and proceed to count and tally the votes on 31645  
such ballots. 31646

**Sec. 3517.106.** (A) As used in this section: 31647

(1) "Statewide office" means any of the offices of governor, 31648  
lieutenant governor, secretary of state, auditor of state, 31649  
treasurer of state, attorney general, chief justice of the supreme 31650  
court, and justice of the supreme court. 31651

(2) "Addendum to a statement" includes an amendment or other 31652  
correction to that statement. 31653

(B)(1) The secretary of state shall store on computer the 31654  
information contained in statements of contributions and 31655  
expenditures and monthly statements required to be filed under 31656  
section 3517.10 of the Revised Code and in statements of 31657  
independent expenditures required to be filed under section 31658  
3517.105 of the Revised Code by any of the following: 31659

(a) The campaign committees of candidates for statewide 31660

office;	31661
(b) The political action committees and political contributing entities described in division (A)(1) of section 3517.11 of the Revised Code;	31662 31663 31664
(c) Legislative campaign funds;	31665
(d) State political parties;	31666
(e) Individuals, partnerships, corporations, labor organizations, or other entities that make independent expenditures in support of or opposition to a statewide candidate or a statewide ballot issue or question;	31667 31668 31669 31670
(f) The campaign committees of candidates for the office of member of the general assembly;	31671 31672
(g) County political parties, with respect to their state candidate funds.	31673 31674
(2) The secretary of state shall store on computer the information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code.	31675 31676 31677 31678
(3) The secretary of state shall store on computer the information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code.	31679 31680 31681 31682
(4) The secretary of state shall store on computer the gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code.	31683 31684 31685 31686
(C)(1) The secretary of state shall make available to the campaign committees, political action committees, political contributing entities, legislative campaign funds, political parties, individuals, partnerships, corporations, labor	31687 31688 31689 31690

organizations, and other entities described in division (B) of 31691  
this section, and to members of the news media and other 31692  
interested persons, for a reasonable fee, computer programs that 31693  
are compatible with the secretary of state's method of storing the 31694  
information contained in the statements. 31695

(2) The secretary of state shall make the information 31696  
required to be stored under division (B) of this section available 31697  
on computer at the secretary of state's office so that, to the 31698  
maximum extent feasible, individuals may obtain at the secretary 31699  
of state's office any part or all of that information for any 31700  
given year, subject to the limitation expressed in division (D) of 31701  
this section. 31702

(D) The secretary of state shall keep the information stored 31703  
on computer under division (B) of this section for at least six 31704  
years. 31705

(E)(1) Subject to division (L) of this section and subject to 31706  
the secretary of state having implemented, tested, and verified 31707  
the successful operation of any system the secretary of state 31708  
prescribes pursuant to division (H)(1) of this section and 31709  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 31710  
Code for the filing of campaign finance statements by electronic 31711  
means of transmission, the campaign committee of each candidate 31712  
for statewide office may file the statements prescribed by section 31713  
3517.10 of the Revised Code by electronic means of transmission 31714  
or, if the total amount of the contributions received or the total 31715  
amount of the expenditures made by the campaign committee for the 31716  
applicable reporting period as specified in division (A) of 31717  
section 3517.10 of the Revised Code exceeds ten thousand dollars, 31718  
shall file those statements by electronic means of transmission. 31719

Except as otherwise provided in this division, within five 31720  
business days after a statement filed by a campaign committee of a 31721  
candidate for statewide office is received by the secretary of 31722



state by electronic or other means of transmission, the secretary 31723  
of state shall make available online to the public through the 31724  
internet, as provided in division (I) of this section, the 31725  
contribution and expenditure information in that statement. The 31726  
secretary of state shall not make available online to the public 31727  
through the internet any contribution or expenditure information 31728  
contained in a statement for any candidate until the secretary of 31729  
state is able to make available online to the public through the 31730  
internet the contribution and expenditure information for all 31731  
candidates for a particular office, or until the applicable filing 31732  
deadline for that statement has passed, whichever is sooner. As 31733  
soon as the secretary of state has available all of the 31734  
contribution and expenditure information for all candidates for a 31735  
particular office, or as soon as the applicable filing deadline 31736  
for a statement has passed, whichever is sooner, the secretary of 31737  
state shall simultaneously make available online to the public 31738  
through the internet the information for all candidates for that 31739  
office. 31740

If a statement filed by electronic means of transmission is 31741  
found to be incomplete or inaccurate after the examination of the 31742  
statement for completeness and accuracy pursuant to division 31743  
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 31744  
committee shall file by electronic means of transmission any 31745  
addendum to the statement that provides the information necessary 31746  
to complete or correct the statement or, if required by the 31747  
secretary of state under that division, an amended statement. 31748

Within five business days after the secretary of state 31749  
receives from a campaign committee of a candidate for statewide 31750  
office an addendum to the statement or an amended statement by 31751  
electronic or other means of transmission under this division or 31752  
division (B)(3)(a) of section 3517.11 of the Revised Code, the 31753  
secretary of state shall make the contribution and expenditure 31754

information in the addendum or amended statement available online 31755  
to the public through the internet as provided in division (I) of 31756  
this section. 31757

(2) Subject to the secretary of state having implemented, 31758  
tested, and verified the successful operation of any system the 31759  
secretary of state prescribes pursuant to division (H)(1) of this 31760  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31761  
the Revised Code for the filing of campaign finance statements by 31762  
electronic means of transmission, a political action committee and 31763  
a political contributing entity described in division (B)(1)(b) of 31764  
this section, a legislative campaign fund, and a state political 31765  
party may file the statements prescribed by section 3517.10 of the 31766  
Revised Code by electronic means of transmission or, if the total 31767  
amount of the contributions received or the total amount of the 31768  
expenditures made by the political action committee, political 31769  
contributing entity, legislative campaign fund, or state political 31770  
party for the applicable reporting period as specified in division 31771  
(A) of section 3517.10 of the Revised Code exceeds ten thousand 31772  
dollars, shall file those statements by electronic means of 31773  
transmission. 31774

Within five business days after a statement filed by a 31775  
political action committee or a political contributing entity 31776  
described in division (B)(1)(b) of this section, a legislative 31777  
campaign fund, or a state political party is received by the 31778  
secretary of state by electronic or other means of transmission, 31779  
the secretary of state shall make available online to the public 31780  
through the internet, as provided in division (I) of this section, 31781  
the contribution and expenditure information in that statement. 31782

If a statement filed by electronic means of transmission is 31783  
found to be incomplete or inaccurate after the examination of the 31784  
statement for completeness and accuracy pursuant to division 31785  
(B)(3)(a) of section 3517.11 of the Revised Code, the political 31786

action committee, political contributing entity, legislative 31787  
campaign fund, or state political party shall file by electronic 31788  
means of transmission any addendum to the statement that provides 31789  
the information necessary to complete or correct the statement or, 31790  
if required by the secretary of state under that division, an 31791  
amended statement. 31792

Within five business days after the secretary of state 31793  
receives from a political action committee or a political 31794  
contributing entity described in division (B)(1)(b) of this 31795  
section, a legislative campaign fund, or a state political party 31796  
an addendum to the statement or an amended statement by electronic 31797  
or other means of transmission under this division or division 31798  
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 31799  
state shall make the contribution and expenditure information in 31800  
the addendum or amended statement available online to the public 31801  
through the internet as provided in division (I) of this section. 31802

(3) Subject to the secretary of state having implemented, 31803  
tested, and verified the successful operation of any system the 31804  
secretary of state prescribes pursuant to division (H)(1) of this 31805  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31806  
the Revised Code for the filing of campaign finance statements by 31807  
electronic means of transmission, a county political party shall 31808  
file the statements prescribed by section 3517.10 of the Revised 31809  
Code with respect to its state candidate fund by electronic means 31810  
of transmission to the office of the secretary of state. 31811

Within five business days after a statement filed by a county 31812  
political party with respect to its state candidate fund is 31813  
received by the secretary of state by electronic means of 31814  
transmission, the secretary of state shall make available online 31815  
to the public through the internet, as provided in division (I) of 31816  
this section, the contribution and expenditure information in that 31817  
statement. 31818

If a statement is found to be incomplete or inaccurate after 31819  
the examination of the statement for completeness and accuracy 31820  
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 31821  
Code, a county political party shall file by electronic means of 31822  
transmission any addendum to the statement that provides the 31823  
information necessary to complete or correct the statement or, if 31824  
required by the secretary of state under that division, an amended 31825  
statement. 31826

Within five business days after the secretary of state 31827  
receives from a county political party an addendum to the 31828  
statement or an amended statement by electronic means of 31829  
transmission under this division or division (B)(3)(a) of section 31830  
3517.11 of the Revised Code, the secretary of state shall make the 31831  
contribution and expenditure information in the addendum or 31832  
amended statement available online to the public through the 31833  
internet as provided in division (I) of this section. 31834

(F)(1) Subject to division (L) of this section and subject to 31835  
the secretary of state having implemented, tested, and verified 31836  
the successful operation of any system the secretary of state 31837  
prescribes pursuant to division (H)(1) of this section and 31838  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 31839  
Code for the filing of campaign finance statements by electronic 31840  
means of transmission, a campaign committee of a candidate for the 31841  
office of member of the general assembly or a campaign committee 31842  
of a candidate for the office of judge of a court of appeals may 31843  
file the statements prescribed by section 3517.10 of the Revised 31844  
Code in accordance with division (A)(2) of section 3517.11 of the 31845  
Revised Code or by electronic means of transmission to the office 31846  
of the secretary of state or, if the total amount of the 31847  
contributions received by the campaign committee for the 31848  
applicable reporting period as specified in division (A) of 31849  
section 3517.10 of the Revised Code exceeds ten thousand dollars, 31850

shall file those statements by electronic means of transmission to 31851  
the office of the secretary of state. 31852

Except as otherwise provided in this division, within five 31853  
business days after a statement filed by a campaign committee of a 31854  
candidate for the office of member of the general assembly or a 31855  
campaign committee of a candidate for the office of judge of a 31856  
court of appeals is received by the secretary of state by 31857  
electronic or other means of transmission, the secretary of state 31858  
shall make available online to the public through the internet, as 31859  
provided in division (I) of this section, the contribution and 31860  
expenditure information in that statement. The secretary of state 31861  
shall not make available online to the public through the internet 31862  
any contribution or expenditure information contained in a 31863  
statement for any candidate until the secretary of state is able 31864  
to make available online to the public through the internet the 31865  
contribution and expenditure information for all candidates for a 31866  
particular office, or until the applicable filing deadline for 31867  
that statement has passed, whichever is sooner. As soon as the 31868  
secretary of state has available all of the contribution and 31869  
expenditure information for all candidates for a particular 31870  
office, or as soon as the applicable filing deadline for a 31871  
statement has passed, whichever is sooner, the secretary of state 31872  
shall simultaneously make available online to the public through 31873  
the internet the information for all candidates for that office. 31874

If a statement filed by electronic means of transmission is 31875  
found to be incomplete or inaccurate after the examination of the 31876  
statement for completeness and accuracy pursuant to division 31877  
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 31878  
committee shall file by electronic means of transmission to the 31879  
office of the secretary of state any addendum to the statement 31880  
that provides the information necessary to complete or correct the 31881  
statement or, if required by the secretary of state under that 31882

division, an amended statement. 31883

Within five business days after the secretary of state 31884  
receives from a campaign committee of a candidate for the office 31885  
of member of the general assembly or a campaign committee of a 31886  
candidate for the office of judge of a court of appeals an 31887  
addendum to the statement or an amended statement by electronic or 31888  
other means of transmission under this division or division 31889  
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 31890  
state shall make the contribution and expenditure information in 31891  
the addendum or amended statement available online to the public 31892  
through the internet as provided in division (I) of this section. 31893

(2) If a statement, addendum, or amended statement is not 31894  
filed by electronic means of transmission to the office of the 31895  
secretary of state but is filed by printed version only under 31896  
division (A)(2) of section 3517.11 of the Revised Code with the 31897  
appropriate board of elections, the campaign committee of a 31898  
candidate for the office of member of the general assembly or a 31899  
campaign committee of a candidate for the office of judge of a 31900  
court of appeals shall file two copies of the printed version of 31901  
the statement, addendum, or amended statement with the board of 31902  
elections. The board of elections shall send one of those copies 31903  
by ~~overnight delivery service~~ certified mail to the secretary of 31904  
state before the close of business on the day the board of 31905  
elections receives the statement, addendum, or amended statement. 31906

(G) Subject to the secretary of state having implemented, 31907  
tested, and verified the successful operation of any system the 31908  
secretary of state prescribes pursuant to division (H)(1) of this 31909  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31910  
the Revised Code for the filing of campaign finance statements by 31911  
electronic means of transmission, any individual, partnership, or 31912  
other entity that makes independent expenditures in support of or 31913  
opposition to a statewide candidate or a statewide ballot issue or 31914

question as provided in division (B)(2)(b) or (C)(2)(b) of section 31915  
3517.105 of the Revised Code may file the statement specified in 31916  
that division by electronic means of transmission or, if the total 31917  
amount of independent expenditures made during the reporting 31918  
period under that division exceeds ten thousand dollars, shall 31919  
file the statement specified in that division by electronic means 31920  
of transmission. 31921

Within five business days after a statement filed by an 31922  
individual, partnership, or other entity is received by the 31923  
secretary of state by electronic or other means of transmission, 31924  
the secretary of state shall make available online to the public 31925  
through the internet, as provided in division (I) of this section, 31926  
the expenditure information in that statement. 31927

If a statement filed by electronic means of transmission is 31928  
found to be incomplete or inaccurate after the examination of the 31929  
statement for completeness and accuracy pursuant to division 31930  
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 31931  
partnership, or other entity shall file by electronic means of 31932  
transmission any addendum to the statement that provides the 31933  
information necessary to complete or correct the statement or, if 31934  
required by the secretary of state under that division, an amended 31935  
statement. 31936

Within five business days after the secretary of state 31937  
receives from an individual, partnership, or other entity 31938  
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 31939  
of the Revised Code an addendum to the statement or an amended 31940  
statement by electronic or other means of transmission under this 31941  
division or division (B)(3)(a) of section 3517.11 of the Revised 31942  
Code, the secretary of state shall make the expenditure 31943  
information in the addendum or amended statement available online 31944  
to the public through the internet as provided in division (I) of 31945  
this section. 31946

(H)(1) The secretary of state, by rule adopted pursuant to 31947  
section 3517.23 of the Revised Code, shall prescribe one or more 31948  
techniques by which a person who executes and transmits by 31949  
electronic means a statement of contributions and expenditures, a 31950  
statement of independent expenditures, a disclosure of 31951  
electioneering communications statement, a deposit and 31952  
disbursement statement, or a gift and disbursement statement, an 31953  
addendum to any of those statements, an amended statement of 31954  
contributions and expenditures, an amended statement of 31955  
independent expenditures, an amended disclosure of electioneering 31956  
communications statement, an amended deposit and disbursement 31957  
statement, or an amended gift and disbursement statement, under 31958  
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 31959  
or 3517.1013 of the Revised Code shall electronically sign the 31960  
statement, addendum, or amended statement. Any technique 31961  
prescribed by the secretary of state pursuant to this division 31962  
shall create an electronic signature that satisfies all of the 31963  
following: 31964

(a) It is unique to the signer. 31965

(b) It objectively identifies the signer. 31966

(c) It involves the use of a signature device or other means 31967  
or method that is under the sole control of the signer and that 31968  
cannot be readily duplicated or compromised. 31969

(d) It is created and linked to the electronic record to 31970  
which it relates in a manner that, if the record or signature is 31971  
intentionally or unintentionally changed after signing, the 31972  
electronic signature is invalidated. 31973

(2) An electronic signature prescribed by the secretary of 31974  
state under division (H)(1) of this section shall be attached to 31975  
or associated with the statement of contributions and 31976  
expenditures, the statement of independent expenditures, the 31977



disclosure of electioneering communications statement, the deposit 31978  
and disbursement statement, or the gift and disbursement 31979  
statement, the addendum to any of those statements, the amended 31980  
statement of contributions and expenditures, the amended statement 31981  
of independent expenditures, the amended disclosure of 31982  
electioneering communications statement, the amended deposit and 31983  
disbursement statement, or the amended gift and disbursement 31984  
statement that is executed and transmitted by electronic means by 31985  
the person to whom the electronic signature is attributed. The 31986  
electronic signature that is attached to or associated with the 31987  
statement, addendum, or amended statement under this division 31988  
shall be binding on all persons and for all purposes under the 31989  
campaign finance reporting law as if the signature had been 31990  
handwritten in ink on a printed form. 31991

(I) The secretary of state shall make the contribution and 31992  
expenditure, the contribution and disbursement, the deposit and 31993  
disbursement, or the gift and disbursement information in all 31994  
statements, all addenda to the statements, and all amended 31995  
statements that are filed with the secretary of state by 31996  
electronic or other means of transmission under this section or 31997  
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or 31998  
3517.11 of the Revised Code available online to the public by any 31999  
means that are searchable, viewable, and accessible through the 32000  
internet. 32001

(J)(1) As used in this division, "library" means a library 32002  
that is open to the public and that is one of the following: 32003

(a) A library that is maintained and regulated under section 32004  
715.13 of the Revised Code; 32005

(b) A library that is created, maintained, and regulated 32006  
under Chapter 3375. of the Revised Code. 32007

(2) The secretary of state shall notify all libraries of the 32008

location on the internet at which the contribution and 32009  
expenditure, contribution and disbursement, deposit and 32010  
disbursement, or gift and disbursement information in campaign 32011  
finance statements required to be made available online to the 32012  
public through the internet pursuant to division (I) of this 32013  
section may be accessed. 32014

If that location is part of the world wide web and if the 32015  
secretary of state has notified a library of that world wide web 32016  
location as required by this division, the library shall include a 32017  
link to that world wide web location on each internet-connected 32018  
computer it maintains that is accessible to the public. 32019

(3) If the system the secretary of state prescribes for the 32020  
filing of campaign finance statements by electronic means of 32021  
transmission pursuant to division (H)(1) of this section and 32022  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 32023  
Code includes filing those statements through the internet via the 32024  
world wide web, the secretary of state shall notify all libraries 32025  
of the world wide web location at which those statements may be 32026  
filed. 32027

If those statements may be filed through the internet via the 32028  
world wide web and if the secretary of state has notified a 32029  
library of that world wide web location as required by this 32030  
division, the library shall include a link to that world wide web 32031  
location on each internet-connected computer it maintains that is 32032  
accessible to the public. 32033

(K) It is an affirmative defense to a complaint or charge 32034  
brought against any campaign committee, political action 32035  
committee, political contributing entity, legislative campaign 32036  
fund, or political party, any individual, partnership, or other 32037  
entity, or any person making disbursements to pay the direct costs 32038  
of producing or airing electioneering communications, for the 32039  
failure to file by electronic means of transmission a campaign 32040

finance statement as required by this section or section 3517.10, 32041  
3517.105, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code 32042  
that all of the following apply to the campaign committee, 32043  
political action committee, political contributing entity, 32044  
legislative campaign fund, or political party, the individual, 32045  
partnership, or other entity, or the person making disbursements 32046  
to pay the direct costs of producing or airing electioneering 32047  
communications, that failed to so file: 32048

(1) The campaign committee, political action committee, 32049  
political contributing entity, legislative campaign fund, or 32050  
political party, the individual, partnership, or other entity, or 32051  
the person making disbursements to pay the direct costs of 32052  
producing or airing electioneering communications attempted to 32053  
file by electronic means of transmission the required statement 32054  
prior to the deadline set forth in the applicable section. 32055

(2) The campaign committee, political action committee, 32056  
political contributing entity, legislative campaign fund, or 32057  
political party, the individual, partnership, or other entity, or 32058  
the person making disbursements to pay the direct costs of 32059  
producing or airing electioneering communications was unable to 32060  
file by electronic means of transmission due to an expected or 32061  
unexpected shutdown of the whole or part of the electronic 32062  
campaign finance statement-filing system, such as for maintenance 32063  
or because of hardware, software, or network connection failure. 32064

(3) The campaign committee, political action committee, 32065  
political contributing entity, legislative campaign fund, or 32066  
political party, the individual, partnership, or other entity, or 32067  
the person making disbursements to pay the direct costs of 32068  
producing or airing electioneering communications filed by 32069  
electronic means of transmission the required statement within a 32070  
reasonable period of time after being unable to so file it under 32071  
the circumstance described in division (K)(2) of this section. 32072

(L)(1) The secretary of state shall adopt rules pursuant to 32073  
Chapter 119. of the Revised Code to permit a campaign committee of 32074  
a candidate for statewide office that makes expenditures of less 32075  
than twenty-five thousand dollars during the filing period or a 32076  
campaign committee for the office of member of the general 32077  
assembly or the office of judge of a court of appeals that would 32078  
otherwise be required to file campaign finance statements by 32079  
electronic means of transmission under division (E) or (F) of this 32080  
section to file those statements by paper with the office of the 32081  
secretary of state. Those rules shall provide for all of the 32082  
following: 32083

(a) An eligible campaign committee that wishes to file a 32084  
campaign finance statement by paper instead of by electronic means 32085  
of transmission shall file the statement on paper with the office 32086  
of the secretary of state not sooner than twenty-four hours after 32087  
the end of the filing period set forth in section 3517.10 of the 32088  
Revised Code that is covered by the applicable statement. 32089

(b) The statement shall be accompanied by a fee, the amount 32090  
of which the secretary of state shall determine by rule. The 32091  
amount of the fee established under this division shall not exceed 32092  
the data entry and data verification costs the secretary of state 32093  
will incur to convert the information on the statement to an 32094  
electronic format as required under division (I) of this section. 32095

(c) The secretary of state shall arrange for the information 32096  
in campaign finance statements filed pursuant to division (L) of 32097  
this section to be made available online to the public through the 32098  
internet in the same manner, and at the same times, as information 32099  
is made available under divisions (E), (F), and (I) of this 32100  
section for candidates whose campaign committees file those 32101  
statements by electronic means of transmission. 32102

(d) The candidate of an eligible campaign committee that 32103  
intends to file a campaign finance statement pursuant to division 32104

(L) of this section shall file a notice indicating that the candidate's campaign committee intends to so file and stating that filing the statement by electronic means of transmission would constitute a hardship for the candidate or for the eligible campaign committee.

(e) An eligible campaign committee that files a campaign finance statement on paper pursuant to division (L) of this section shall review the contribution and information made available online by the secretary of state with respect to that paper filing and shall notify the secretary of state of any errors with respect to that filing that appear in the data made available on that web site.

(f) If an eligible campaign committee whose candidate has filed a notice in accordance with rules adopted under division (L)(1)(d) of this section subsequently fails to file that statement on paper by the applicable deadline established in rules adopted under division (L)(1)(a) of this section, penalties for the late filing of the campaign finance statement shall apply to that campaign committee for each day after that paper filing deadline, as if the campaign committee had filed the statement after the applicable deadline set forth in division (A) of section 3517.10 of the Revised Code.

(2) The process for permitting campaign committees that would otherwise be required to file campaign finance statements by electronic means of transmission to file those statements on paper with the office of the secretary of state that is required to be developed under division (L)(1) of this section shall be in effect and available for use by eligible campaign committees for all campaign finance statements that are required to be filed on or after June 30, 2005. Notwithstanding any provision of the Revised Code to the contrary, if the process the secretary of state is required to develop under division (L)(1) of this section is not

in effect and available for use on and after June 30, 2005, all 32137  
penalties for the failure of campaign committees to file campaign 32138  
finance statements by electronic means of transmission shall be 32139  
suspended until such time as that process is in effect and 32140  
available for use. 32141

(3) Notwithstanding any provision of the Revised Code to the 32142  
contrary, any eligible campaign committee that files campaign 32143  
finance statements on paper with the office of the secretary of 32144  
state pursuant to division (L)(1) of this section shall be deemed 32145  
to have filed those campaign finance statements by electronic 32146  
means of transmission to the office of the secretary of state. 32147

**Sec. 3517.11.** (A)(1) Campaign committees of candidates for 32148  
statewide office or the state board of education, political action 32149  
committees or political contributing entities that make 32150  
contributions to campaign committees of candidates that are 32151  
required to file the statements prescribed by section 3517.10 of 32152  
the Revised Code with the secretary of state, political action 32153  
committees or political contributing entities that make 32154  
contributions to campaign committees of candidates for member of 32155  
the general assembly, political action committees or political 32156  
contributing entities that make contributions to state and 32157  
national political parties and to legislative campaign funds, 32158  
political action committees or political contributing entities 32159  
that receive contributions or make expenditures in connection with 32160  
a statewide ballot issue, political action committees or political 32161  
contributing entities that make contributions to other political 32162  
action committees or political contributing entities, political 32163  
parties, and campaign committees, except as set forth in division 32164  
(A)(3) of this section, legislative campaign funds, and state and 32165  
national political parties shall file the statements prescribed by 32166  
section 3517.10 of the Revised Code with the secretary of state. 32167

(2)(a) Except as otherwise provided in division (F) of 32168  
section 3517.106 of the Revised Code, campaign committees of 32169  
candidates for all other offices shall file the statements 32170  
prescribed by section 3517.10 of the Revised Code with the board 32171  
of elections where their candidates are required to file their 32172  
petitions or other papers for nomination or election. 32173

(b) A campaign committee of a candidate for office of member 32174  
of the general assembly or a campaign committee of a candidate for 32175  
the office of judge of a court of appeals shall file two copies of 32176  
the printed version of any statement, addendum, or amended 32177  
statement if the committee does not file pursuant to division 32178  
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 32179  
printed version only with the appropriate board of elections. The 32180  
board of elections shall send one of those copies by ~~overnight~~ 32181  
~~delivery service~~ certified mail to the secretary of state before 32182  
the close of business on the day the board of elections receives 32183  
the statement, addendum, or amended statement. 32184

(3) Political action committees or political contributing 32185  
entities that only contribute to a county political party, 32186  
contribute to campaign committees of candidates whose nomination 32187  
or election is to be submitted only to electors within a county, 32188  
subdivision, or district, excluding candidates for member of the 32189  
general assembly, and receive contributions or make expenditures 32190  
in connection with ballot questions or issues to be submitted only 32191  
to electors within a county, subdivision, or district shall file 32192  
the statements prescribed by section 3517.10 of the Revised Code 32193  
with the board of elections in that county or in the county 32194  
contained in whole or part within the subdivision or district 32195  
having a population greater than that of any other county 32196  
contained in whole or part within that subdivision or district, as 32197  
the case may be. 32198

(4) Except as otherwise provided in division (E)(3) of 32199

section 3517.106 of the Revised Code with respect to state 32200  
candidate funds, county political parties shall file the 32201  
statements prescribed by section 3517.10 of the Revised Code with 32202  
the board of elections of their respective counties. 32203

(B)(1) The official with whom petitions and other papers for 32204  
nomination or election to public office are filed shall furnish 32205  
each candidate at the time of that filing a copy of sections 32206  
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 32207  
3599.031 of the Revised Code and any other materials that the 32208  
secretary of state may require. Each candidate receiving the 32209  
materials shall acknowledge their receipt in writing. 32210

(2) On or before the tenth day before the dates on which 32211  
statements are required to be filed by section 3517.10 of the 32212  
Revised Code, every candidate subject to the provisions of this 32213  
section and sections 3517.10 and 3517.106 of the Revised Code 32214  
shall be notified of the requirements and applicable penalties of 32215  
those sections. The secretary of state, by certified mail, return 32216  
receipt requested, shall notify all candidates required to file 32217  
those statements with the secretary of state's office. The board 32218  
of elections of every county shall notify by first class mail any 32219  
candidate who has personally appeared at the office of the board 32220  
on or before the tenth day before the statements are required to 32221  
be filed and signed a form, to be provided by the secretary of 32222  
state, attesting that the candidate has been notified of the 32223  
candidate's obligations under the campaign finance law. The board 32224  
shall forward the completed form to the secretary of state. The 32225  
board shall use certified mail, return receipt requested, to 32226  
notify all other candidates required to file those statements with 32227  
it. 32228

(3)(a) Any statement required to be filed under sections 32229  
3517.081 to 3517.17 of the Revised Code that is found to be 32230  
incomplete or inaccurate by the officer to whom it is submitted 32231



shall be accepted on a conditional basis, and the person who filed 32232  
it shall be notified by certified mail as to the incomplete or 32233  
inaccurate nature of the statement. The secretary of state may 32234  
examine statements filed for candidates for the office of member 32235  
of the general assembly and candidates for the office of judge of 32236  
a court of appeals for completeness and accuracy. The secretary of 32237  
state shall examine for completeness and accuracy statements that 32238  
campaign committees of candidates for the office of member of the 32239  
general assembly and campaign committees of candidates for the 32240  
office of judge of a court of appeals file pursuant to division 32241  
(F) or (L) of section 3517.106 of the Revised Code. If an officer 32242  
at the board of elections where a statement filed for a candidate 32243  
for the office of member of the general assembly or for a 32244  
candidate for the office of judge of a court of appeals was 32245  
submitted finds the statement to be incomplete or inaccurate, the 32246  
officer shall immediately notify the secretary of state of its 32247  
incomplete or inaccurate nature. If either an officer at the board 32248  
of elections or the secretary of state finds a statement filed for 32249  
a candidate for the office of member of the general assembly or 32250  
for a candidate for the office of judge of a court of appeals to 32251  
be incomplete or inaccurate, only the secretary of state shall 32252  
send the notification as to the incomplete or inaccurate nature of 32253  
the statement. 32254

Within twenty-one days after receipt of the notice, in the 32255  
case of a pre-election statement, a postelection statement, a 32256  
monthly statement, an annual statement, or a semiannual statement 32257  
prescribed by section 3517.10, an annual statement prescribed by 32258  
section 3517.101, or a statement prescribed by division (B)(2)(b) 32259  
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 32260  
Revised Code, the recipient shall file an addendum, amendment, or 32261  
other correction to the statement providing the information 32262  
necessary to complete or correct the statement. The secretary of 32263  
state may require that, in lieu of filing an addendum, amendment, 32264

or other correction to a statement that is filed by electronic 32265  
means of transmission to the office of the secretary of state 32266  
pursuant to section 3517.106 of the Revised Code, the recipient of 32267  
the notice described in this division file by electronic means of 32268  
transmission an amended statement that incorporates the 32269  
information necessary to complete or correct the statement. 32270

The secretary of state shall determine by rule when an 32271  
addendum, amendment, or other correction to any of the following 32272  
or when an amended statement of any of the following shall be 32273  
filed: 32274

(i) A two-business-day statement prescribed by section 32275  
3517.10 of the Revised Code; 32276

(ii) A disclosure of electioneering communications statement 32277  
prescribed by division (D) of section 3517.1011 of the Revised 32278  
Code; 32279

(iii) A deposit and disbursement statement prescribed under 32280  
division (B) of section 3517.1012 of the Revised Code; 32281

(iv) A gift and disbursement statement prescribed under 32282  
section 3517.1013 of the Revised Code. 32283

An addendum, amendment, or other correction to a statement 32284  
that is filed by electronic means of transmission pursuant to 32285  
section 3517.106 of the Revised Code shall be filed in the same 32286  
manner as the statement. 32287

The provisions of sections 3517.10, 3517.106, 3517.1011, 32288  
3517.1012, and 3517.1013 of the Revised Code pertaining to the 32289  
filing of statements of contributions and expenditures, statements 32290  
of independent expenditures, disclosure of electioneering 32291  
communications statements, deposit and disbursement statements, 32292  
and gift and disbursement statements by electronic means of 32293  
transmission apply to the filing of addenda, amendments, or other 32294  
corrections to those statements by electronic means of 32295

transmission and the filing of amended statements by electronic 32296  
means of transmission. 32297

(b) Within five business days after the secretary of state 32298  
receives, by electronic or other means of transmission, an 32299  
addendum, amendment, or other correction to a statement or an 32300  
amended statement under division (B)(3)(a) of this section, the 32301  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 32302  
of section 3517.106 or division (D) of section 3517.1011 of the 32303  
Revised Code, shall make the contribution and expenditure, 32304  
contribution and disbursement, deposit and disbursement, or gift 32305  
and disbursement information in that addendum, amendment, 32306  
correction, or amended statement available online to the public 32307  
through the internet. 32308

(4)(a) The secretary of state or the board of elections shall 32309  
examine all statements for compliance with sections 3517.08 to 32310  
3517.17 of the Revised Code. 32311

(b) The secretary of state may contract with an individual or 32312  
entity not associated with the secretary of state and experienced 32313  
in interpreting the campaign finance law of this state to conduct 32314  
examinations of statements filed by any statewide candidate, as 32315  
defined in section 3517.103 of the Revised Code. 32316

(c) The examination shall be conducted by a person or entity 32317  
qualified to conduct it. The results of the examination shall be 32318  
available to the public, and, when the examination is conducted by 32319  
an individual or entity not associated with the secretary of 32320  
state, the results of the examination shall be reported to the 32321  
secretary of state. 32322

(C)(1) In the event of a failure to file or a late filing of 32323  
a statement required to be filed under sections 3517.081 to 32324  
3517.17 of the Revised Code, or if a filed statement or any 32325  
addendum, amendment, or other correction to a statement or any 32326

amended statement, if an addendum, amendment, or other correction 32327  
or an amended statement is required to be filed, is incomplete or 32328  
inaccurate or appears to disclose a failure to comply with or a 32329  
violation of law, the official whose duty it is to examine the 32330  
statement shall promptly file a complaint with the Ohio elections 32331  
commission under section 3517.153 of the Revised Code if the law 32332  
is one over which the commission has jurisdiction to hear 32333  
complaints, or the official shall promptly report the failure or 32334  
violation to the board of elections and the board shall promptly 32335  
report it to the prosecuting attorney in accordance with division 32336  
(J) of section 3501.11 of the Revised Code. If the official files 32337  
a complaint with the commission, the commission shall proceed in 32338  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 32339

(2) For purposes of division (C)(1) of this section, a 32340  
statement or an addendum, amendment, or other correction to a 32341  
statement or an amended statement required to be filed under 32342  
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 32343  
inaccurate under this section if the statement, addendum, 32344  
amendment, other correction, or amended statement fails to 32345  
disclose substantially all contributions or gifts that are 32346  
received or deposits that are made that are required to be 32347  
reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 32348  
3517.1012, and 3517.1013 of the Revised Code or if the statement, 32349  
addendum, amendment, other correction, or amended statement fails 32350  
to disclose at least ninety per cent of the total contributions or 32351  
gifts received or deposits made or of the total expenditures or 32352  
disbursements made during the reporting period. 32353

(D) No certificate of nomination or election shall be issued 32354  
to a person, and no person elected to an office shall enter upon 32355  
the performance of the duties of that office, until that person or 32356  
that person's campaign committee, as appropriate, has fully 32357  
complied with this section and sections 3517.08, 3517.081, 32358

3517.10, and 3517.13 of the Revised Code. 32359

**Sec. 3599.17.** (A) No elections official serving as a 32360  
registrar, or judge, ~~or clerk~~ of elections shall do any of the 32361  
following: 32362

(1) Fail to appear before the board of elections, or its 32363  
representative, after notice has been served personally upon the 32364  
official or left at the official's usual place of residence, for 32365  
examination as to the official's qualifications; 32366

(2) Fail to appear at the polling place to which the official 32367  
is assigned at the hour and during the hours set for the 32368  
registration or election; 32369

(3) Fail to take the oath prescribed by section 3501.31 of 32370  
the Revised Code, unless excused by such board; 32371

(4) Refuse or sanction the refusal of another registrar or 32372  
judge of elections to administer an oath required by law; 32373

(5) Fail to send notice to the board of the appointment of a 32374  
judge ~~or clerk~~ to fill a vacancy; 32375

(6) Act as registrar, or judge, ~~or clerk~~ without having been 32376  
appointed and having received a certificate of appointment, except 32377  
a judge ~~or clerk~~ appointed to fill a vacancy caused by absence or 32378  
removal; 32379

(7) Fail in any other way to perform any duty imposed by law. 32380

(B) Whoever violates division (A) of this section is guilty 32381  
of a misdemeanor of the first degree. 32382

**Sec. 3599.19.** (A) No judge ~~or clerk~~ of elections shall 32383  
knowingly do any of the following: 32384

(1) Unlawfully open or permit to be opened the sealed package 32385  
containing registration lists, ballots, blanks, pollbooks, and 32386

other papers and material to be used in an election;	32387
(2) Unlawfully misplace, carry away, negligently lose or	32388
permit to be taken from the judge <del>or clerk</del> , fail to deliver, or	32389
destroy any such packages, papers, or material;	32390
(3) Receive or sanction the reception of a ballot from a	32391
person not a qualified elector or from a person who refused to	32392
answer a question in accordance with the election law;	32393
(4) Refuse to receive or sanction the rejection of a ballot	32394
from a person, knowing that person to be a qualified elector;	32395
(5) Permit a fraudulent ballot to be placed in the ballot	32396
box;	32397
(6) Place or permit to be placed in any ballot box any ballot	32398
known by the judge <del>or clerk</del> to be improperly or falsely marked;	32399
(7) Count or permit to be counted any illegal or fraudulent	32400
ballot;	32401
(8) Mislead an elector who is physically unable to prepare	32402
the elector's ballot, mark a ballot for such elector otherwise	32403
than as directed by that elector, or disclose to any person,	32404
except when legally required to do so, how such elector voted;	32405
(9) Alter or mark or permit any alteration or marking on any	32406
ballot when counting the ballots;	32407
(10) Unlawfully count or tally or sanction the wrongful	32408
counting or tallying of votes;	32409
(11) After the counting of votes commences, as required by	32410
law, postpone or sanction the postponement of the counting of	32411
votes, adjourn at any time or to any place, or remove the ballot	32412
box from the place of voting, or from the custody or presence of	32413
all the judges <del>and clerks</del> of such elections;	32414
(12) Permit any ballot to remain or to be in the ballot box	32415
at the opening of the polls, or to be put in the box during the	32416

counting of the ballots, or to be left in the box without being counted;	32417 32418
(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;	32419 32420 32421
(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;	32422 32423 32424
(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;	32425 32426
(16) Neglect or unlawfully execute any duty enjoined upon the judge <del>or clerk</del> by law.	32427 32428
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	32429 32430
<b>Sec. 3599.37.</b> (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:	32431 32432 32433 32434 32435
(1) Fail to appear or, having appeared, refuse to answer a question pertinent to the matter under inquiry or investigation;	32436 32437
(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.	32438 32439 32440
(B) Whoever violates division (A) of this section, unless the violator <del>claims</del> <u>personally appears before the grand jury, court, board, or officer and asserts the protection of the violator's constitutional rights</u> , is guilty of a misdemeanor of the first degree.	32441 32442 32443 32444 32445

Sec. 3701.047. (A) As used in this section: 32446

(1) "Federally qualified health center" means a health center 32447  
that receives a federal public health services grant under the 32448  
"Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 254b, as 32449  
amended, or another health center designated by the U.S. Health 32450  
Resources and Services Administration as a federally qualified 32451  
health center. 32452

(2) "Federally qualified health center look-alike" means a 32453  
public or not-for-profit health center that meets the eligibility 32454  
requirements to receive a federal public health services grant 32455  
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 32456  
254b, as amended, but does not receive grant funding. 32457

(B) The department of health may enter into an agreement with 32458  
the state's primary care association to promote the establishment 32459  
of new federally qualified health centers and federally qualified 32460  
health center look-alikes. 32461

The department and the association may assist local 32462  
communities and community health centers by providing grants and 32463  
grant writing assistance to establish health centers as defined in 32464  
42 U.S.C. 254b, regardless of whether the health centers apply for 32465  
a grant under that section. 32466

Sec. 3701.135. (A) The autism diagnosis education pilot 32467  
program is hereby established in the department of health. The 32468  
program shall have the following goals: 32469

(1) To educate health care professionals, teachers and other 32470  
educational personnel, child care providers, parents, early 32471  
intervention and developmental disabilities providers, and other 32472  
community-based services providers in this state regarding the 32473  
diagnosis of autism spectrum disorders, including the range of 32474  
symptoms that may indicate autism spectrum disorders and screening 32475



<u>tools;</u>	32476
<u>(2) To promote appropriate standards for the diagnosis of</u>	32477
<u>autism spectrum disorders in children, including screening tools</u>	32478
<u>and treatment planning for children diagnosed with autism spectrum</u>	32479
<u>disorders;</u>	32480
<u>(3) To encourage physicians and other health care</u>	32481
<u>professionals with expertise in screening, diagnosing, and</u>	32482
<u>treating autism spectrum disorders to share that information with</u>	32483
<u>other health care professionals in this state;</u>	32484
<u>(4) To encourage the regional coordination of services to</u>	32485
<u>facilitate the effective, timely treatment of children diagnosed</u>	32486
<u>with autism spectrum disorders.</u>	32487
<u>(B) The director of health shall contract with a statewide</u>	32488
<u>association representing pediatric physicians to conduct or</u>	32489
<u>administer the autism diagnosis education pilot program.</u>	32490
<b>Sec. 3701.74.</b> (A) As used in this section and section	32491
3701.741 of the Revised Code:	32492
(1) "Ambulatory care facility" means a facility that provides	32493
medical, diagnostic, or surgical treatment to patients who do not	32494
require hospitalization, including a dialysis center, ambulatory	32495
surgical facility, cardiac catheterization facility, diagnostic	32496
imaging center, extracorporeal shock wave lithotripsy center, home	32497
health agency, inpatient hospice, birthing center, radiation	32498
therapy center, emergency facility, and an urgent care center.	32499
"Ambulatory care facility" does not include the private office of	32500
a physician or dentist, whether the office is for an individual or	32501
group practice.	32502
(2) "Chiropractor" means an individual licensed under Chapter	32503
4734. of the Revised Code to practice chiropractic.	32504
(3) "Emergency facility" means a hospital emergency	32505

department or any other facility that provides emergency medical services.	32506 32507
(4) "Health care practitioner" means all of the following:	32508
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	32509 32510
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	32511 32512
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	32513 32514
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	32515 32516 32517 32518
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	32519 32520
(f) A physician;	32521
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	32522 32523
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	32524 32525
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	32526 32527
(j) A chiropractor;	32528
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	32529 32530
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	32531 32532
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	32533 32534

(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	32535 32536
(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;	32537 32538 32539 32540
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	32541 32542
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	32543 32544
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	32545 32546 32547
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	32548 32549 32550
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	32551 32552
(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.	32553 32554 32555 32556 32557 32558 32559 32560 32561
(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	32562 32563 32564

provider in the process of the patient's health care treatment. 32565

(9) "Medical records company" means a person who stores, 32566  
locates, or copies medical records for a health care provider, or 32567  
is compensated for doing so by a health care provider, and charges 32568  
a fee for providing medical records to a patient or patient's 32569  
representative. 32570

(10) "Patient" means either of the following: 32571

(a) An individual who received health care treatment from a 32572  
health care provider; 32573

(b) A guardian, as defined in section 1337.11 of the Revised 32574  
Code, of an individual described in division (A)(10)(a) of this 32575  
section. 32576

(11) "Patient's personal representative" means a minor 32577  
patient's parent or other person acting in loco parentis, a 32578  
court-appointed guardian, or a person with durable power of 32579  
attorney for health care for a patient, the executor or 32580  
administrator of the patient's estate, or the person responsible 32581  
for the patient's estate if it is not to be probated. "Patient's 32582  
personal representative" does not include an insurer authorized 32583  
under Title XXXIX of the Revised Code to do the business of 32584  
sickness and accident insurance in this state, a health insuring 32585  
corporation holding a certificate of authority under Chapter 1751. 32586  
of the Revised Code, or any other person not named in this 32587  
division. 32588

(12) "Pharmacy" has the same meaning as in section 4729.01 of 32589  
the Revised Code. 32590

(13) "Physician" means a person authorized under Chapter 32591  
4731. of the Revised Code to practice medicine and surgery, 32592  
osteopathic medicine and surgery, or podiatric medicine and 32593  
surgery. 32594

(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record.

(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than ~~sixty~~ one year days before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.

(D)(1) This section does not apply to medical records whose

release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

**Sec. 3701.741.** (A) Through December 31, 2008, each health care provider and medical records company shall provide copies of medical records in accordance with this section.

(B) Except as provided in divisions (C) and (E) of this section, a health care provider or medical records company that receives a request for a copy of a patient's medical record shall charge not more than the amounts set forth in this section.

(1) If the request is made by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:

(a) With respect to data recorded on paper, the following amounts:

(i) Two dollars and fifty cents per page for the first ten pages;

(ii) Fifty-one cents per page for pages eleven through fifty;

(iii) Twenty cents per page for pages fifty-one and higher;

(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;

(c) The actual cost of any related postage incurred by the health care provider or medical records company.

(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all

services related to those copies shall not exceed the sum of the 32656  
following: 32657

(a) An initial fee of fifteen dollars and thirty-five cents, 32658  
which shall compensate for the records search; 32659

(b) With respect to data recorded on paper, the following 32660  
amounts: 32661

(i) One dollar and two cents per page for the first ten 32662  
pages; 32663

(ii) Fifty-one cents per page for pages eleven through fifty; 32664

(iii) Twenty cents per page for pages fifty-one and higher. 32665

(c) With respect to data recorded other than on paper, one 32666  
dollar and seventy cents per page; 32667

(d) The actual cost of any related postage incurred by the 32668  
health care provider or medical records company. 32669

(C)(1) A health care provider or medical records company 32670  
shall provide one copy without charge to the following: 32671

(a) The bureau of workers' compensation, in accordance with 32672  
Chapters 4121. and 4123. of the Revised Code and the rules adopted 32673  
under those chapters; 32674

(b) The industrial commission, in accordance with Chapters 32675  
4121. and 4123. of the Revised Code and the rules adopted under 32676  
those chapters; 32677

(c) The department of job and family services or a county 32678  
department of job and family services, in accordance with ~~Chapter~~ 32679  
Chapters 5101. and 5111. of the Revised Code and the rules adopted 32680  
under those chapters; 32681

(d) The attorney general, in accordance with sections 2743.51 32682  
to 2743.72 of the Revised Code and any rules that may be adopted 32683  
under those sections; 32684

(e) A patient or patient's personal representative if the 32685  
medical record is necessary to support a claim under Title II or 32686  
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 32687  
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 32688  
by documentation that a claim has been filed. 32689

(2) Nothing in division (C)(1) of this section requires a 32690  
health care provider or medical records company to provide a copy 32691  
without charge to any person or entity not listed in division 32692  
(C)(1) of this section. 32693

(D) Division (C) of this section shall not be construed to 32694  
supersede any rule of the bureau of workers' compensation, the 32695  
industrial commission, or the department of job and family 32696  
services. 32697

(E) A health care provider or medical records company may 32698  
enter into a contract with either of the following for the copying 32699  
of medical records at a fee other than as provided in division (B) 32700  
of this section: 32701

(1) A patient, a patient's personal representative, or an 32702  
authorized person; 32703

(2) An insurer authorized under Title XXXIX of the Revised 32704  
Code to do the business of sickness and accident insurance in this 32705  
state or health insuring corporations holding a certificate of 32706  
authority under Chapter 1751. of the Revised Code. 32707

(F) This section does not apply to medical records the 32708  
copying of which is covered by section 173.20 of the Revised Code 32709  
or by 42 C.F.R. 483.10. 32710

**Sec. 3702.52.** The director of health shall administer a state 32711  
certificate of need program in accordance with sections 3702.51 to 32712  
3702.62 of the Revised Code and rules adopted under those 32713  
sections. 32714



(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 the course of reviewing any application for a certificate of need, and shall conduct one if requested to do so by any affected person not later than fifteen days after the director mails the notice that the application is complete. The hearing shall be conducted

in the community in which the activities authorized by the 32747  
certificate of need would be carried out. Any affected person may 32748  
testify at the hearing. The director may, with the health service 32749  
agency's consent, designate a health service agency to conduct the 32750  
hearing. 32751

Except during a public hearing or as necessary to comply with 32752  
a subpoena issued under division (F) of this section, after a 32753  
notice of completeness has been received, no person shall 32754  
knowingly discuss in person or by telephone the merits of the 32755  
application with the director. If one or more persons request a 32756  
meeting in person or by telephone, the director shall make a 32757  
reasonable effort to invite interested parties to the meeting or 32758  
conference call. 32759

~~(C) Divisions (C)(1) to (7) of this section apply to 32760  
certificate of need applications for which the director had not 32761  
issued a written decision prior to April 20, 1995, unless the 32762  
director was required, under the version of this section in effect 32763  
immediately prior to June 30, 1995, to grant a certificate of need 32764  
prior to June 30, 1995, because of a lack of written objections 32765  
from any affected person. Divisions (C)(1) to (7) of this section 32766  
do not invalidate any certificate of need that the director was 32767  
required to grant prior to June 30, 1995, under that circumstance. 32768~~

~~(1) The All of the following apply to the process of granting 32769  
or denying a certificate of need: 32770~~

~~(1) If the project proposed in a certificate of need 32771  
application meets all of the applicable certificate of need 32772  
criteria for approval under sections 3702.51 to 3702.62 of the 32773  
Revised Code and the rules adopted under those sections, the 32774  
director shall grant a certificate of need for the entire project 32775  
that is the subject of the application immediately after both of 32776  
the following conditions are met: 32777~~

(a) The board of trustees of the health service agency of the health service area in which the reviewable activity is proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that the certificate of need be granted;

(b) The director ~~receives no~~ does not receive any written objections to the application from any affected person by the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the director mails the notice of completeness.

(2) In the case of certificate of need applications under comparative review, if the projects proposed in the applications meet all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:

(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;

(b) The director ~~receives no~~ does not receive any written objections to any of the applications from any affected person by the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the director mails the last notice of completeness.

The director's grant of a certificate of need under division (C)(1) or (2) of this section does not affect, and sets no

precedent for, the director's decision to grant or deny other 32809  
applications for similar reviewable activities proposed to be 32810  
conducted in the same or different health service areas. 32811

(3) If the director receives written objections to an 32812  
application from any affected person by the ~~later of May 20, 1995,~~ 32813  
~~or thirty days~~ thirtieth day after mailing the notice of 32814  
completeness, regardless of the health service agency's 32815  
recommendation, the director shall notify the applicant and assign 32816  
a hearing examiner to conduct an adjudication hearing concerning 32817  
the application in accordance with Chapter 119. of the Revised 32818  
Code. In the case of applications under comparative review, if the 32819  
director receives written objections to any of the applications 32820  
from any affected person by the ~~later of May 20, 1995, or thirty~~ 32821  
~~days~~ thirtieth day after the director mails the last notice of 32822  
completeness, regardless of the health service agencies' 32823  
recommendation, the director shall notify all of the applicants 32824  
and appoint a hearing examiner to conduct a consolidated 32825  
adjudication hearing concerning the applications in accordance 32826  
with Chapter 119. of the Revised Code. The hearing examiner shall 32827  
be employed by or under contract with the department of health. 32828

The adjudication hearings may be conducted in the health 32829  
service area in which the reviewable activity is proposed to be 32830  
conducted. Consolidated adjudication hearings for applications in 32831  
comparative review may be conducted in the geographic region in 32832  
which all of the reviewable activities will be conducted. The 32833  
applicant, the director, and the affected persons that filed 32834  
objections to the application shall be parties to the hearing. If 32835  
none of the affected persons that submitted written objections to 32836  
the application appears or prosecutes the hearing, the hearing 32837  
examiner shall dismiss the hearing and the director shall grant a 32838  
certificate of need for the entire project that is the subject of 32839  
the application if the proposed project meets all of the 32840

applicable certificate of need criteria for approval under 32841  
sections 3702.51 to 3702.62 of the Revised Code and the rules 32842  
adopted under those sections. The affected persons bear the burden 32843  
of proving by a preponderance of evidence that the project is not 32844  
needed or that granting the certificate would not be in accordance 32845  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 32846  
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 32847

(4) Except as provided in divisions (C)(1) and (2) of this 32848  
section, the director shall grant or deny certificate of need 32849  
applications for which an adjudication hearing is not conducted 32850  
under division (C)(3) of this section not later than ~~ninety~~ sixty 32851  
days after mailing the notice of completeness or, in the case of 32852  
an application proposing addition of long-term care beds, not 32853  
later than ~~ninety~~ sixty days after such other time as is specified 32854  
in rules adopted under section 3702.57 of the Revised Code. The 32855  
director shall grant or deny certificate of need applications for 32856  
which an adjudication hearing is conducted under division (C)(3) 32857  
of this section not later than thirty days after the expiration of 32858  
the time for filing objections to the report and recommendation of 32859  
the hearing examiner under section 119.09 of the Revised Code. The 32860  
director shall base decisions concerning applications for which an 32861  
adjudication hearing is conducted under division (C)(3) of this 32862  
section on the report and recommendations of the hearing examiner. 32863

(5) Except as otherwise provided in division (C)(1), (2), or 32864  
(6) of this section, the director or the applicant may extend the 32865  
deadline prescribed in division (C)(4) of this section once, for 32866  
no longer than thirty days, by written notice before the end of 32867  
the original thirty-day period. An extension by the director under 32868  
division (C)(5) of this section shall apply to all applications 32869  
that are in comparative review. 32870

(6) No applicant in a comparative review may extend the 32871  
deadline specified in division (C)(4) of this section. 32872

(7) Except as provided in divisions (C)(1) and (2) of this section, the director may grant a certificate of need for all or part of the project that is the subject of an application. If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted. ~~The director, in reviewing certificate of need applications for solid organ transplantation services, may ask for assistance from a statewide transplantation advisory group consisting of qualified professionals and administrators. Such consultation shall not cause the review period for any application to be extended beyond the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.~~

~~(D)(8)~~ In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

~~(E)(9)~~ In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) The director shall monitor the activities of persons granted certificates of need concerning long-term care beds during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted.

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. 32905

~~(F)~~(E) When reviewing applications for certificates of need 32906  
or monitoring activities of persons granted certificates of need, 32907  
the director may issue and enforce, in the manner provided in 32908  
section 119.09 of the Revised Code, subpoenas duces tecum to 32909  
compel the production of documents relevant to review of the 32910  
application or monitoring of the activities. In addition, the 32911  
director or the director's designee, which may include a health 32912  
service agency, may visit the sites where the activities are or 32913  
will be conducted. 32914

~~(G)~~(F) The director may withdraw certificates of need. 32915

~~(H)~~(G) The director shall conduct, on a regular basis, health 32916  
system data collection and analysis activities and prepare 32917  
reports. The director shall make recommendations based upon these 32918  
activities to the public health council concerning the adoption of 32919  
appropriate rules under section 3702.57 of the Revised Code. All 32920  
health care facilities and other health care providers shall 32921  
submit to the director, upon request, any information that is 32922  
necessary to conduct reviews of certificate of need applications 32923  
and to develop recommendations for criteria for reviews, and that 32924  
is prescribed by rules adopted under division (H) of section 32925  
3702.57 of the Revised Code. 32926

~~(I)~~(H) Any decision to grant or deny a certificate of need 32927  
shall consider the special needs and circumstances resulting from 32928  
moral and ethical values and the free exercise of religious rights 32929  
of health care facilities administered by religious organizations, 32930  
and the special needs and circumstances of children's hospitals, 32931  
inner city hospitals, and small rural hospitals. 32932

**Sec. 3702.5211.** Notwithstanding any conflicting provision of 32933  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 32934  
veterans' home operated under Chapter 5907. of the Revised Code 32935

that is located in Sandusky, including the Secrest nursing home 32936  
and Giffin care facility, is not required to obtain a certificate 32937  
of need for the addition of up to fifty-two additional nursing 32938  
home beds to be licensed under Chapter 3721. of the Revised Code 32939  
if the additional beds are placed in service prior to June 30, 32940  
1999. 32941

**Sec. 3702.5212.** (A) This section applies to each long-term 32942  
care facility that meets the following requirements: 32943

(1) The facility has been in continuous operation for not 32944  
less than one hundred twenty years prior to the effective date of 32945  
this section; 32946

(2) The facility is located in an inner city area; 32947

(3) The facility is operating as a nonprofit entity organized 32948  
under Chapter 1702. of the Revised Code or the nonprofit law of 32949  
another state. 32950

(B) Notwithstanding any conflicting provision of sections 32951  
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 32952  
operator of a long-term care facility described in division (A) of 32953  
this section is not required to obtain a certificate of need for 32954  
the addition of up to thirty long-term care beds to be licensed 32955  
under Chapter 3721. of the Revised Code. The exemption shall apply 32956  
only as long as the beds are owned and operated by the facility to 32957  
which the exemption is granted. 32958

**Sec. 3702.5213.** Notwithstanding any conflicting provision of 32959  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 32960  
veterans' home operated under Chapter 5907. of the Revised Code 32961  
that is located in Brown county is not required to obtain a 32962  
certificate of need for the addition of up to one hundred 32963  
sixty-eight additional nursing home beds to be licensed under 32964  
Chapter 3721. of the Revised Code if the additional beds are 32965



placed in service prior to December 31, 2004. 32966

**Sec. 3702.57.** (A) The public health council shall adopt rules 32967  
establishing procedures and criteria for reviews of applications 32968  
for certificates of need and issuance, denial, or withdrawal of 32969  
certificates. 32970

(1) The rules shall require that, in addition to any other 32971  
applicable review requirements of sections 3702.51 to 3702.62 of 32972  
the Revised Code and rules adopted thereunder, any application for 32973  
a certificate of need from an osteopathic hospital be reviewed on 32974  
the basis of the need for and the availability in the community of 32975  
services and hospitals for osteopathic physicians and their 32976  
patients, and in terms of its impact on existing and proposed 32977  
institutional training programs for doctors of osteopathy and 32978  
doctors of medicine at the student, internship, and residency 32979  
training levels. 32980

(2) In adopting rules that establish criteria for reviews of 32981  
applications of certificates of need, the council shall consider 32982  
the availability of and need for long-term care beds to provide 32983  
care and treatment to persons diagnosed as having traumatic brain 32984  
injuries and shall prescribe criteria for reviewing applications 32985  
that propose to add long-term care beds to provide care and 32986  
treatment to persons diagnosed as having traumatic brain injuries. 32987

(3) The criteria for reviews of applications for certificates 32988  
of need shall relate to the need for the reviewable activity and 32989  
shall pertain to all of the following matters: 32990

(a) The impact of the reviewable activity on the cost and 32991  
quality of health services in the relevant geographic area, 32992  
including, but not limited, to the historical and projected 32993  
utilization of the services to which the application pertains and 32994  
the effect of the reviewable activity on utilization of other 32995  
providers of similar services; 32996

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to adequate available personnel, available ancillary and support services, available equipment, size and configuration of physical plant, and relations with other providers; 32997  
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(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant geographic area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient; 33005  
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(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's costs and charges with those of providers of similar services in the applicant's proposed service area; 33012  
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33014  
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(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity; 33017  
33018

(f) The impact of the activity on all other providers of similar services in the health service area or other relevant geographic area, including the impact on their utilization, market share, and financial status; 33019  
33020  
33021  
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(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements; 33023  
33024  
33025  
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(h) The relationship of the activity to the current edition 33027

of the state health resources plan issued under section 3702.521 33028  
of the Revised Code; 33029

(i) The historical performance of the applicant and related 33030  
or affiliated parties in providing cost-effective health care 33031  
services; 33032

(j) The special needs and circumstances of the applicant or 33033  
population proposed to be served by the proposed project, 33034  
including research activities, prevalence of particular diseases, 33035  
unusual demographic characteristics, cost-effective contractual 33036  
affiliations, and other special circumstances; 33037

(k) The appropriateness of the zoning status of the proposed 33038  
site of the activity; 33039

(l) The participation by the applicant in research conducted 33040  
by the United States food and drug administration or clinical 33041  
trials sponsored by the national institutes of health. 33042

(4) The criteria for reviews of applications may include 33043  
formulas for determining need for beds and services. 33044

(a) The criteria prescribing formulas shall not, either by 33045  
themselves or in conjunction with any established occupancy 33046  
guidelines, require, as a condition of being granted a certificate 33047  
of need, that a hospital reduce its complement of registered beds 33048  
or discontinue any service that is not related to the service or 33049  
project for which the certificate of need is sought. 33050

(b) With respect to applications to conduct reviewable 33051  
activities that are affected directly by the inpatient occupancy 33052  
of a health care facility, including addition, relocation, or 33053  
recategorization of beds or renovation or other construction 33054  
activities relating to inpatient services, the rules shall 33055  
prescribe criteria for determining whether the scope of the 33056  
proposed project is appropriate in light of the historical and 33057  
reasonably projected occupancy rates for the beds related to the 33058

project. 33059

(c) Any rules prescribing criteria that establish ratios of 33060  
beds, services, or equipment to population shall specify the bases 33061  
for establishing the ratios or mitigating factors or exceptions to 33062  
the ratios. 33063

(B) The council shall adopt rules specifying all of the 33064  
following: 33065

(1) Information that must be provided in applications for 33066  
certificates of need, which shall include a plan for obligating 33067  
the capital expenditure or implementing the proposed project on a 33068  
timely basis in accordance with section 3702.525 of the Revised 33069  
Code; 33070

(2) Procedures for reviewing applications for completeness of 33071  
information; 33072

(3) Criteria for determining that the application is 33073  
complete. 33074

(C) The council shall adopt rules specifying requirements 33075  
that holders of certificates of need must meet in order for the 33076  
certificates to remain valid and establishing definitions and 33077  
requirements for obligation of capital expenditures and 33078  
implementation of projects authorized by certificates of need. 33079

(D) The council shall adopt rules establishing criteria and 33080  
procedures under which the director of health may withdraw a 33081  
certificate of need if the holder fails to meet requirements for 33082  
continued validity of the certificate. 33083

(E) The council shall adopt rules establishing procedures 33084  
under which the department of health shall monitor project 33085  
implementation activities of holders of certificates of need. The 33086  
rules adopted under this division also may establish procedures 33087  
for monitoring implementation activities of persons that have 33088

received nonreviewability rulings. 33089

(F) The council shall adopt rules establishing procedures 33090  
under which the director of health shall review certificates of 33091  
need whose holders exceed or appear likely to exceed an 33092  
expenditure maximum specified in a certificate. 33093

(G) The council shall adopt rules establishing certificate of 33094  
need application fees sufficient to pay the costs incurred by the 33095  
department for administering sections 3702.51 to 3702.62 of the 33096  
Revised Code and to pay health service agencies for the functions 33097  
they perform under division (D)(5) of section 3702.58 of the 33098  
Revised Code. Unless rules are adopted under this division 33099  
establishing different application fees, the application fee for a 33100  
project not involving a capital expenditure shall be three 33101  
thousand dollars and the application fee for a project involving a 33102  
capital expenditure shall be nine-tenths of one per cent of the 33103  
capital expenditure proposed subject to a minimum of three 33104  
thousand dollars and a maximum of twenty thousand dollars. 33105

(H) The council shall adopt rules specifying information that 33106  
is necessary to conduct reviews of certificate of need 33107  
applications and to develop recommendations for criteria for 33108  
reviews that health care facilities and other health care 33109  
providers are to submit to the director under division ~~(H)~~(G) of 33110  
section 3702.52 of the Revised Code. 33111

(I) The council shall adopt rules defining "affiliated 33112  
person," "related person," and "ultimate controlling interest" for 33113  
purposes of section 3702.524 of the Revised Code. 33114

(J) The council shall adopt rules prescribing requirements 33115  
for holders of certificates of need to demonstrate to the director 33116  
under section 3702.526 of the Revised Code that reasonable 33117  
progress is being made toward completion of the reviewable 33118  
activity and establishing standards by which the director shall 33119

determine whether reasonable progress is being made. 33120

(K) The council shall adopt rules defining high-risk cardiac 33121  
catheterization patients. High-risk patients shall include 33122  
patients with significant ischemic syndromes or unstable 33123  
myocardial infarction, patients who need intervention such as 33124  
angioplasty or bypass surgery, patients who may require difficult 33125  
or complex catheterization procedures such as transeptal 33126  
assessment of valvular dysfunction, patients with critical aortic 33127  
stenosis or congestive heart failure, and other patients specified 33128  
by the council. 33129

(L) The public health council shall adopt all rules under 33130  
divisions (A) to (K) of this section in accordance with Chapter 33131  
119. of the Revised Code. The council may adopt other rules as 33132  
necessary to carry out the purposes of sections 3702.51 to 3702.62 33133  
of the Revised Code. 33134

**Sec. ~~3702.68~~ 3702.59.** (A) Notwithstanding any conflicting 33135  
provision of sections 3702.51 to 3702.62 of the Revised Code, 33136  
other than the provisions of sections 3702.5210, 3702.5211, 33137  
3702.5212, and 3702.5213 of the Revised Code, both of the 33138  
following apply under the certificate of need program: 33139

(1) Divisions (B) to (E) of this section ~~applies~~ apply to the 33140  
review of certificate of need applications during the period 33141  
beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 33142

~~As used in this section, "existing health care facility" has~~ 33143  
~~the same meaning as in section 3702.51 of the Revised Code~~ (2) 33144  
Beginning July 1, 2009, the director of health shall not accept 33145  
for review under section 3702.52 of the Revised Code any 33146  
application for a certificate of need to recategorize hospital 33147  
beds as described in section 3702.522 of the Revised Code. 33148

(B)(1) Except as provided in division (B)(2) of this section, 33149

the director of health shall neither grant nor deny any 33150  
application for a certificate of need submitted prior to July 1, 33151  
1993, if the application was for any of the following and the 33152  
director had not issued a written decision concerning the 33153  
application prior to that date: 33154

(a) Approval of beds in a new health care facility or an 33155  
increase of beds in an existing health care facility, if the beds 33156  
are proposed to be licensed as nursing home beds under Chapter 33157  
3721. of the Revised Code; 33158

(b) Approval of beds in a new county home or new county 33159  
nursing home as defined in section 5155.31 of the Revised Code, or 33160  
an increase of beds in an existing county home or existing county 33161  
nursing home, if the beds are proposed to be certified as skilled 33162  
nursing facility beds under Title XVIII or nursing facility beds 33163  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 33164  
42 U.S.C.A. 301, as amended; 33165

(c) Recategorization of hospital beds as described in section 33166  
3702.522 of the Revised Code, an increase of hospital beds 33167  
registered pursuant to section 3701.07 of the Revised Code as 33168  
long-term care beds or skilled nursing facility beds, or a 33169  
recategorization of hospital beds that would result in an increase 33170  
of beds registered pursuant to that section as long-term care beds 33171  
or skilled nursing facility beds. 33172

On July 1, 1993, the director shall return each such 33173  
application to the applicant and, notwithstanding section 3702.52 33174  
of the Revised Code regarding the uses of the certificate of need 33175  
fund, shall refund to the applicant the application fee paid under 33176  
that section. Applications returned under division (B)(1) of this 33177  
section may be resubmitted in accordance with section 3702.52 of 33178  
the Revised Code no sooner than July 1, ~~2007~~ 2009. 33179

(2) The director shall continue to review and shall issue a 33180

decision regarding any application submitted prior to July 1, 33181  
1993, to increase beds for either of the purposes described in 33182  
division (B)(1)(a) or (b) of this section if the proposed increase 33183  
in beds is attributable solely to a replacement or relocation of 33184  
existing beds within the same county. The director shall authorize 33185  
under such an application no additional beds beyond those being 33186  
replaced or relocated. 33187

(C)(1) Except as provided in division (C)(2) of this section, 33188  
the director, during the period beginning July 1, 1993, and ending 33189  
June 30, ~~2007~~ 2009, shall not accept for review under section 33190  
3702.52 of the Revised Code any application for a certificate of 33191  
need for any of the purposes described in divisions (B)(1)(a) to 33192  
(c) of this section. 33193

(2)(a) The director shall accept for review any application 33194  
for either of the purposes described in division (B)(1)(a) or (b) 33195  
of this section if the proposed increase in beds is attributable 33196  
solely to a replacement or relocation of existing beds from an 33197  
existing health care facility within the same county. The director 33198  
shall authorize under such an application no additional beds 33199  
beyond those being replaced or relocated. 33200

The director shall not approve an application for a 33201  
certificate of need for addition of long-term care beds to an 33202  
existing health care facility by relocation of beds or for the 33203  
development of a new health care facility by relocation of beds 33204  
unless all of the following conditions are met: 33205

(i) The existing health care facility to which the beds are 33206  
being relocated has no waivers for life safety code ~~waivers~~ 33207  
deficiencies, no state fire code violations, and no state building 33208  
code violations, or the project identified in the application 33209  
proposes to correct all life safety code deficiencies for which a 33210  
waiver has been granted, all state fire code violations, and all 33211  
state building code violations at the existing health care 33212



facility to which the beds are being relocated; 33213

(ii) During the sixty-month period preceding the filing of 33214  
the application, no notice of proposed revocation of the 33215  
facility's license was issued under section 3721.03 of the Revised 33216  
Code to the operator of the existing facility to which the beds 33217  
are being relocated or to any health care facility owned or 33218  
operated by the applicant or any principal participant in the same 33219  
corporation or other business; 33220

(iii) Neither the existing health care facility to which the 33221  
beds are being relocated nor any health care facility owned or 33222  
operated by the applicant or any principal participant in the same 33223  
corporation or other business has had a long-standing pattern of 33224  
violations of this chapter or deficiencies that caused one or more 33225  
residents physical, emotional, mental, or psychosocial harm. 33226

(b) The director also shall accept for review any application 33227  
for the conversion of infirmary beds to long-term care beds if the 33228  
infirmary meets all of the following conditions: 33229

(i) Is operated exclusively by a religious order; 33230

(ii) Provides care exclusively to members of religious orders 33231  
who take vows of celibacy and live by virtue of their vows within 33232  
the orders as if related; 33233

(iii) Was providing care exclusively to members of such a 33234  
religious order on January 1, 1994. 33235

(D) The director shall issue a decision regarding any case 33236  
remanded by a court as the result of a decision issued by the 33237  
director prior to July 1, 1993, to grant, deny, or withdraw a 33238  
certificate of need for any of the purposes described in divisions 33239  
(B)(1)(a) to (c) of this section. 33240

(E) The director shall not project the need for beds listed 33241  
in division (B)(1) of this section for the period beginning July 33242

1, 1993, and ending June 30, ~~2007~~ 2009. 33243

~~This section is an interim section effective until July 1, 2007.~~ 33244  
33245

**Sec. ~~3702.63~~ 3702.591.** As specified in former Section 11 of 33246  
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 33247  
Sub. H.B. 405 of the 124th general assembly, all of the following 33248  
apply: 33249

(A) The removal of former divisions (E) and (F) of section 33250  
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 33251  
50 of the 121st general assembly does not release the holders of 33252  
certificates of need issued under those divisions from complying 33253  
with any conditions on which the granting of the certificates of 33254  
need was based, including the requirement of former division 33255  
(E)(6) of that section that the holders not enter into provider 33256  
agreements under Chapter 5111. of the Revised Code and Title XIX 33257  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 33258  
as amended, for at least ten years following initial licensure of 33259  
the long-term care facilities for which the certificates were 33260  
granted. 33261

(B) The repeal of section 3702.55 of the Revised Code by 33262  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 33263  
not release the holders of certificates of need issued under that 33264  
section from complying with any conditions on which the granting 33265  
of the certificates of need was based, other than the requirement 33266  
of division (A)(6) of that section that the holders not seek 33267  
certification under Title XVIII of the "Social Security Act" for 33268  
beds recategorized under the certificates. That repeal also does 33269  
not eliminate the requirement that the director of health revoke 33270  
the licensure of the beds under Chapter 3721. of the Revised Code 33271  
if a person to which their ownership is transferred fails, as 33272  
required by division (A)(6) of the repealed section, to file 33273

within ten days after the transfer a sworn statement not to seek 33274  
certification under Title XIX of the "Social Security Act" for 33275  
beds recategorized under the certificates of need. 33276

(C) The repeal of section 3702.56 of the Revised Code by 33277  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 33278  
not release the holders of certificates of need issued under that 33279  
section from complying with any conditions on which the granting 33280  
of the certificates of need was based. 33281

**Sec. 3704.03.** The director of environmental protection may do 33282  
any of the following: 33283

(A) Develop programs for the prevention, control, and 33284  
abatement of air pollution; 33285

(B) Advise, consult, contract, and cooperate with any 33286  
governmental or private agency in the furtherance of the purposes 33287  
of this chapter; 33288

(C) Encourage, participate in, or conduct studies, 33289  
investigations, and research relating to air pollution, collect 33290  
and disseminate information, and conduct education and training 33291  
programs relating to the causes, prevention, control, and 33292  
abatement of air pollution; 33293

(D) Adopt, modify, and rescind rules prescribing ambient air 33294  
quality standards for the state as a whole or for various areas of 33295  
the state that are consistent with and no more stringent than the 33296  
national ambient air quality standards in effect under the federal 33297  
Clean Air Act; 33298

(E) Adopt, modify, suspend, and rescind rules for the 33299  
prevention, control, and abatement of air pollution, including 33300  
rules prescribing for the state as a whole or for various areas of 33301  
the state emission standards for air contaminants, and other 33302  
necessary rules for the purpose of achieving and maintaining 33303

compliance with ambient air quality standards in all areas within 33304  
the state as expeditiously as practicable, but not later than any 33305  
deadlines applicable under the federal Clean Air Act; rules for 33306  
the prevention or control of the emission of hazardous or toxic 33307  
air contaminants; rules prescribing fugitive dust limitations and 33308  
standards that are related, on an areawide basis, to attainment 33309  
and maintenance of ambient air quality standards; rules 33310  
prescribing shade, density, or opacity limitations and standards 33311  
for emissions, provided that with regard to air contaminant 33312  
sources for which there are particulate matter emission standards 33313  
in addition to a shade, density, or opacity rule, upon 33314  
demonstration by such a source of compliance with those other 33315  
standards, the shade, density, or opacity rule shall provide for 33316  
establishment of a shade, density, or opacity limitation for that 33317  
source that does not require the source to reduce emissions below 33318  
the level specified by those other standards; rules for the 33319  
prevention or control of odors and air pollution nuisances; rules 33320  
that prevent significant deterioration of air quality to the 33321  
extent required by the federal Clean Air Act; rules for the 33322  
protection of visibility as required by the federal Clean Air Act; 33323  
and rules prescribing open burning limitations and standards. In 33324  
adopting, modifying, suspending, or rescinding any such rules, the 33325  
director, to the extent consistent with the federal Clean Air Act, 33326  
shall hear and give consideration to evidence relating to all of 33327  
the following: 33328

(1) Conditions calculated to result from compliance with the 33329  
rules, the overall cost within this state of compliance with the 33330  
rules, and their relation to benefits to the people of the state 33331  
to be derived from that compliance; 33332

(2) The quantity and characteristics of air contaminants, the 33333  
frequency and duration of their presence in the ambient air, and 33334  
the dispersion and dilution of those contaminants; 33335

(3) Topography, prevailing wind directions and velocities, 33336  
physical conditions, and other factors that may or may combine to 33337  
affect air pollution. 33338

Consistent with division (K) of section 3704.036 of the 33339  
Revised Code, the director shall consider alternative emission 33340  
limits proposed by the owner or operator of an air contaminant 33341  
source that is subject to an emission limit established in rules 33342  
adopted under this division and shall accept those alternative 33343  
emission limits that the director determines to be equivalent to 33344  
emission limits established in rules adopted under this division. 33345

(F)(1) Adopt, modify, suspend, and rescind rules consistent 33346  
with the purposes of this chapter prohibiting the location, 33347  
installation, construction, or modification of any air contaminant 33348  
source or any machine, equipment, device, apparatus, or physical 33349  
facility intended primarily to prevent or control the emission of 33350  
air contaminants unless an installation permit therefor has been 33351  
obtained from the director or the director's authorized 33352  
representative. 33353

(2) Applications for installation permits shall be 33354  
accompanied by plans, specifications, construction schedules, and 33355  
such other pertinent information and data, including data on 33356  
ambient air quality impact and a demonstration of best available 33357  
technology, as the director may require. Installation permits 33358  
shall be issued for a period specified by the director and are 33359  
transferable. The director shall specify in each permit the 33360  
applicable emission standards and that the permit is conditioned 33361  
upon payment of the applicable fees as required by section 3745.11 33362  
of the Revised Code and upon the right of the director's 33363  
authorized representatives to enter upon the premises of the 33364  
person to whom the permit has been issued, at any reasonable time 33365  
and subject to safety requirements of the person in control of the 33366  
premises, for the purpose of determining compliance with such 33367

standards, this chapter, the rules adopted thereunder, and the 33368  
conditions of any permit, variance, or order issued thereunder. 33369  
Each proposed new or modified air contaminant source shall provide 33370  
such notice of its proposed installation or modification to other 33371  
states as is required under the federal Clean Air Act. 33372  
Installation permits shall include the authorization to operate 33373  
sources installed and operated in accordance with terms and 33374  
conditions of the installation permits for a period not to exceed 33375  
one year from commencement of operation, which authorization shall 33376  
constitute an operating permit under division (G) of this section 33377  
and rules adopted under it. 33378

No installation permit shall be required for activities that 33379  
are subject to and in compliance with a plant-wide applicability 33380  
limit issued by the director in accordance with rules adopted 33381  
under this section. 33382

No installation permit shall be issued except in accordance 33383  
with all requirements of this chapter and rules adopted 33384  
thereunder. No application shall be denied or permit revoked or 33385  
modified without a written order stating the findings upon which 33386  
denial, revocation, or modification is based. A copy of the order 33387  
shall be sent to the applicant or permit holder by certified mail. 33388

(3) Not later than two years after ~~the effective date of this~~ 33389  
~~amendment~~ August 3, 2006, the director shall adopt a rule in 33390  
accordance with Chapter 119. of the Revised Code specifying that a 33391  
permit to install is required only for new or modified air 33392  
contaminant sources that emit any of the following air 33393  
contaminants: 33394

(a) An air contaminant or precursor of an air contaminant for 33395  
which a national ambient air quality standard has been adopted 33396  
under the federal Clean Air Act; 33397

(b) An air contaminant for which the air contaminant source 33398

is regulated under the federal Clean Air Act; 33399

(c) An air contaminant that presents, or may present, through 33400  
inhalation or other routes of exposure, a threat of adverse human 33401  
health effects, including, but not limited to, substances that are 33402  
known to be, or may reasonably be anticipated to be, carcinogenic, 33403  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 33404  
dysfunction, or that are acutely or chronically toxic, or a threat 33405  
of adverse environmental effects whether through ambient 33406  
concentrations, bioaccumulation, deposition, or otherwise, and 33407  
that is identified in the rule by chemical name and chemical 33408  
abstract service number. 33409

The director may modify the rule adopted under division 33410  
(F)(3)(c) of this section for the purpose of adding or deleting 33411  
air contaminants. For each air contaminant that is contained in or 33412  
deleted from the rule adopted under division (F)(3)(c) of this 33413  
section, the director shall include in a notice accompanying any 33414  
proposed or final rule an explanation of the director's 33415  
determination that the air contaminant meets the criteria 33416  
established in that division and should be added to, or no longer 33417  
meets the criteria and should be deleted from, the list of air 33418  
contaminants. The explanation shall include an identification of 33419  
the scientific evidence on which the director relied in making the 33420  
determination. Until adoption of the rule under division (F)(3)(c) 33421  
of this section, nothing shall affect the director's authority to 33422  
issue, deny, modify, or revoke permits to install under this 33423  
chapter and rules adopted under it. 33424

(4)(a) Applications for permits to install new or modified 33425  
air contaminant sources shall contain sufficient information 33426  
regarding air contaminants for which the director may require a 33427  
permit to install to determine conformity with the environmental 33428  
protection agency's document entitled "Review of New Sources of 33429  
Air Toxics Emissions, Option A," dated May 1986, which the 33430

director shall use to evaluate toxic emissions from new or 33431  
modified air contaminant sources. The director shall make copies 33432  
of the document available to the public upon request at no cost 33433  
and post the document on the environmental protection agency's web 33434  
site. Any inconsistency between the document and division (F)(4) 33435  
of this section shall be resolved in favor of division (F)(4) of 33436  
this section. 33437

(b) The maximum acceptable ground level concentration of an 33438  
air contaminant shall be calculated in accordance with the 33439  
document entitled "Review of New Sources of Air Toxics Emissions,  
Option A." Modeling shall be conducted to determine the increase 33440  
in the ground level concentration of an air contaminant beyond the 33441  
facility's boundary caused by the emissions from a new or modified 33442  
source that is the subject of an application for a permit to 33443  
install. Modeling shall be based on the maximum hourly rate of 33444  
emissions from the source using information including, but not 33445  
limited to, any emission control devices or methods, operational 33446  
restrictions, stack parameters, and emission dispersion devices or 33447  
methods that may affect ground level concentrations, either 33448  
individually or in combination. The director shall determine 33449  
whether the activities for which a permit to install is sought 33450  
will cause an increase in the ground level concentration of one or 33451  
more relevant air contaminants beyond the facility's boundary by 33452  
an amount in excess of the maximum acceptable ground level 33453  
concentration. In making the determination as to whether the 33454  
maximum acceptable ground level concentration will be exceeded, 33455  
the director shall give consideration to the modeling conducted 33456  
under division (F)(4)(b) of this section and other relevant 33457  
information submitted by the applicant. 33458  
33459

(c) If the modeling conducted under division (F)(4)(b) of 33460  
this section with respect to an application for a permit to 33461  
install demonstrates that the maximum ground level concentration 33462



from a new or modified source will be greater than or equal to 33463  
eighty per cent, but less than one hundred per cent of the maximum 33464  
acceptable ground level concentration for an air contaminant, the 33465  
director may establish terms and conditions in the permit to 33466  
install for the air contaminant source that will require the owner 33467  
or operator of the air contaminant source to maintain emissions of 33468  
that air contaminant commensurate with the modeled level, which 33469  
shall be expressed as allowable emissions per day. In order to 33470  
calculate the allowable emissions per day, the director shall 33471  
multiply the hourly emission rate modeled under division (F)(4)(b) 33472  
of this section to determine the ground level concentration by the 33473  
operating schedule that has been identified in the permit to 33474  
install application. Terms and conditions imposed under division 33475  
(F)(4)(c) of this section are not federally enforceable 33476  
requirements and, if included in a Title V permit, shall be placed 33477  
in the portion of the permit that is only enforceable by the 33478  
state. 33479

(d) If the modeling conducted under division (F)(4)(b) of 33480  
this section with respect to an application for a permit to 33481  
install demonstrates that the maximum ground level concentration 33482  
from a new or modified source will be less than eighty per cent of 33483  
the maximum acceptable ground level concentration, the owner or 33484  
operator of the source annually shall report to the director, on a 33485  
form prescribed by the director, whether operations of the source 33486  
are consistent with the information regarding the operations that 33487  
was used to conduct the modeling with regard to the permit to 33488  
install application. The annual report to the director shall be in 33489  
lieu of an emission limit or other permit terms and conditions 33490  
imposed pursuant to division (F)(4) of this section. The director 33491  
may consider any significant departure from the operations of the 33492  
source described in the permit to install application that results 33493  
in greater emissions than the emissions rate modeled to determine 33494  
the ground level concentration as a modification and require the 33495

owner or operator to submit a permit to install application for 33496  
the increased emissions. The requirements established in division 33497  
(F)(4)(d) of this section are not federally enforceable 33498  
requirements and, if included in a Title V permit, shall be placed 33499  
in the portion of the permit that is only enforceable by the 33500  
state. 33501

(e) Division (F)(4) of this section and the document entitled 33502  
"Review of New Sources of Air Toxics Emissions, Option A" shall 33503  
not be included in the state implementation plan under section 110 33504  
of the federal Clean Air Act and do not apply to an air 33505  
contaminant source that is subject to a maximum achievable control 33506  
technology standard or residual risk standard under section 112 of 33507  
the federal Clean Air Act, to a particular air contaminant 33508  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 33509  
director has determined that the owner or operator of the source 33510  
is required to install best available control technology for that 33511  
particular air contaminant, or to a particular air contaminant for 33512  
which the director has determined that the source is required to 33513  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 33514  
part 51, Appendix S, for that particular air contaminant. 33515

(f)(i) Division (F)(4) of this section and the document 33516  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 33517  
do not apply to parking lots, storage piles, storage tanks, 33518  
transfer operations, grain silos, grain dryers, emergency 33519  
generators, gasoline dispensing operations, air contaminant 33520  
sources that emit air contaminants solely from the combustion of 33521  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 33522  
dust, silica, and grain dust. 33523

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 33524  
the director may require an individual air contaminant source that 33525  
is within one of the source categories identified in division 33526  
(F)(4)(f)(i) of this section to submit information in an 33527

application for a permit to install a new or modified source in 33528  
order to determine the source's conformity to the document if the 33529  
director has information to conclude that the particular new or 33530  
modified source will potentially cause an increase in ground level 33531  
concentration beyond the facility's boundary that exceeds the 33532  
maximum acceptable ground level concentration as set forth in the 33533  
document. 33534

(iii) The director may adopt rules in accordance with Chapter 33535  
119. of the Revised Code that are consistent with the purposes of 33536  
this chapter and that add to or delete from the source category 33537  
exemptions established in division (F)(4)(f)(i) of this section. 33538

(5) Not later than one year after ~~the effective date of this~~ 33539  
~~amendment~~ August 3, 2006, the director shall adopt rules in 33540  
accordance with Chapter 119. of the Revised Code specifying 33541  
activities that do not, by themselves, constitute beginning actual 33542  
construction activities related to the installation or 33543  
modification of an air contaminant source for which a permit to 33544  
install is required such as the grading and clearing of land, 33545  
on-site storage of portable parts and equipment, and the 33546  
construction of foundations or buildings that do not themselves 33547  
emit air contaminants. The rules also shall allow specified 33548  
initial activities that are part of the installation or 33549  
modification of an air contaminant source, such as the 33550  
installation of electrical and other utilities for the source, 33551  
prior to issuance of a permit to install, provided that the owner 33552  
or operator of the source has filed a complete application for a 33553  
permit to install, the director or the director's designee has 33554  
determined that the application is complete, and the owner or 33555  
operator of the source has notified the director that this 33556  
activity will be undertaken prior to the issuance of a permit to 33557  
install. Any activity that is undertaken by the source under those 33558  
rules shall be at the risk of the owner or operator. The rules 33559

shall not apply to activities that are precluded prior to permit 33560  
issuance under section 111, section 112, Part C of Title I, and 33561  
Part D of Title I of the federal Clean Air Act. 33562

(G) Adopt, modify, suspend, and rescind rules prohibiting the 33563  
operation or other use of any new, modified, or existing air 33564  
contaminant source unless an operating permit has been obtained 33565  
from the director or the director's authorized representative, or 33566  
the air contaminant source is being operated in compliance with 33567  
the conditions of a variance issued pursuant to division (H) of 33568  
this section. Applications for operating permits shall be 33569  
accompanied by such plans, specifications, and other pertinent 33570  
information as the director may require. Operating permits may be 33571  
issued for a period determined by the director not to exceed five 33572  
ten years, are renewable, and are transferable. The director shall 33573  
specify in each operating permit that the permit is conditioned 33574  
upon payment of the applicable fees as required by section 3745.11 33575  
of the Revised Code and upon the right of the director's 33576  
authorized representatives to enter upon the premises of the 33577  
person to whom the permit has been issued, at any reasonable time 33578  
and subject to safety requirements of the person in control of the 33579  
premises, for the purpose of determining compliance with this 33580  
chapter, the rules adopted thereunder, and the conditions of any 33581  
permit, variance, or order issued thereunder. Operating permits 33582  
may be denied or revoked for failure to comply with this chapter 33583  
or the rules adopted thereunder. An operating permit shall be 33584  
issued only upon a showing satisfactory to the director or the 33585  
director's representative that the air contaminant source is being 33586  
operated in compliance with applicable emission standards and 33587  
other rules or upon submission of a schedule of compliance 33588  
satisfactory to the director for a source that is not in 33589  
compliance with all applicable requirements at the time of permit 33590  
issuance, provided that the compliance schedule shall be 33591  
consistent with and at least as stringent as that contained in any 33592

judicial consent decree or administrative order to which the air 33593  
contaminant source is subject. The rules shall provide for the 33594  
issuance of conditional operating permits for such reasonable 33595  
periods as the director may determine to allow the holder of an 33596  
installation permit, who has constructed, installed, located, or 33597  
modified a new air contaminant source in accordance with the 33598  
provisions of an installation permit, to make adjustments or 33599  
modifications necessary to enable the new air contaminant source 33600  
to comply with applicable emission standards and other rules. 33601  
Terms and conditions of operating permits issued pursuant to this 33602  
division shall be federally enforceable for the purpose of 33603  
establishing the potential to emit of a stationary source and 33604  
shall be expressly designated as federally enforceable. Any such 33605  
federally enforceable restrictions on a source's potential to emit 33606  
shall include both an annual limit and a short-term limit of not 33607  
more than thirty days for each pollutant to be restricted together 33608  
with adequate methods for establishing compliance with the 33609  
restrictions. In other respects, operating permits issued pursuant 33610  
to this division are enforceable as state law only. No application 33611  
shall be denied or permit revoked or modified without a written 33612  
order stating the findings upon which denial, revocation, or 33613  
modification is based. A copy of the order shall be sent to the 33614  
applicant or permit holder by certified mail. 33615

(H) Adopt, modify, and rescind rules governing the issuance, 33616  
revocation, modification, or denial of variances that authorize 33617  
emissions in excess of the applicable emission standards. 33618

No variance shall be issued except pursuant to those rules. 33619  
The rules shall prescribe conditions and criteria in furtherance 33620  
of the purposes of this chapter and consistent with the federal 33621  
Clean Air Act governing eligibility for issuance of variances, 33622  
which shall include all of the following: 33623

(1) Provisions requiring consistency of emissions authorized 33624

by a variance with timely attainment and maintenance of ambient 33625  
air quality standards; 33626

(2) Provisions prescribing the classes and categories of air 33627  
contaminants and air contaminant sources for which variances may 33628  
be issued; 33629

(3) Provisions defining the circumstances under which an 33630  
applicant shall demonstrate that compliance with applicable 33631  
emission standards is technically infeasible, economically 33632  
unreasonable, or impossible because of conditions beyond the 33633  
control of the applicant; 33634

(4) Other provisions prescribed in furtherance of the goals 33635  
of this chapter. 33636

The rules shall prohibit the issuance of variances from any 33637  
emission limitation that was applicable to a source pursuant to an 33638  
installation permit and shall prohibit issuance of variances that 33639  
conflict with the federal Clean Air Act. 33640

Applications for variances shall be accompanied by such 33641  
information as the director may require. In issuing variances, the 33642  
director may order the person to whom a variance is issued to 33643  
furnish plans and specifications and such other information and 33644  
data, including interim reports, as the director may require and 33645  
to proceed to take such action within such time as the director 33646  
may determine to be appropriate and reasonable to prevent, 33647  
control, or abate the person's existing emissions of air 33648  
contaminants. The director shall specify in each variance that the 33649  
variance is conditioned upon payment of the applicable fees as 33650  
required by section 3745.11 of the Revised Code and upon the right 33651  
of the director's authorized representatives to enter upon the 33652  
premises of the person to whom the variance has been issued, at 33653  
any reasonable time and subject to safety requirements of the 33654  
person in control of the premises, for the purpose of determining 33655

compliance with this chapter, the rules adopted thereunder, and 33656  
the conditions of any permit, variance, or order issued 33657  
thereunder. 33658

The director may hold a public hearing on an application for 33659  
a variance or renewal thereof at a location in the county where 33660  
the variance is sought. The director shall give not less than 33661  
twenty days' notice of the hearing to the applicant by certified 33662  
mail and cause at least one publication of notice in a newspaper 33663  
with general circulation in the county where the variance is 33664  
sought. The director shall keep available for public inspection at 33665  
the principal office of the environmental protection agency a 33666  
current schedule of pending applications for variances and a 33667  
current schedule of pending variance hearings. The director shall 33668  
make a complete stenographic record of testimony and other 33669  
evidence submitted at the hearing. The director shall make a 33670  
written determination to issue, renew, or deny the variance and 33671  
shall enter the determination and the basis therefor into the 33672  
record of the hearing. The director shall issue, renew, or deny an 33673  
application for a variance or renewal thereof, or issue a proposed 33674  
action upon the application pursuant to section 3745.07 of the 33675  
Revised Code, within six months of the date upon which the 33676  
director receives a complete application with all pertinent 33677  
information and data required by the director. 33678

Any variance granted pursuant to rules adopted under this 33679  
division shall be for a period specified by the director, not to 33680  
exceed three years, and may be renewed from time to time on such 33681  
terms and for such periods, not to exceed three years each, as the 33682  
director determines to be appropriate. A variance may be revoked, 33683  
or renewal denied, for failure to comply with conditions specified 33684  
in the variance. No variance shall be issued, denied, revoked, or 33685  
modified without a written order stating the findings upon which 33686  
the issuance, denial, revocation, or modification is based. A copy 33687

of the order shall be sent to the applicant or variance holder by 33688  
certified mail. 33689

(I) Require the owner or operator of an air contaminant 33690  
source to install, employ, maintain, and operate such emissions, 33691  
ambient air quality, meteorological, or other monitoring devices 33692  
or methods as the director shall prescribe; to sample those 33693  
emissions at such locations, at such intervals, and in such manner 33694  
as the director prescribes; to maintain records and file periodic 33695  
reports with the director containing information as to location, 33696  
size, and height of emission outlets, rate, duration, and 33697  
composition of emissions, and any other pertinent information the 33698  
director prescribes; and to provide such written notice to other 33699  
states as the director shall prescribe. In requiring monitoring 33700  
devices, records, and reports, the director, to the extent 33701  
consistent with the federal Clean Air Act, shall give 33702  
consideration to technical feasibility and economic reasonableness 33703  
and allow reasonable time for compliance. For sources where a 33704  
specific monitoring, record-keeping, or reporting requirement is 33705  
specified for a particular air contaminant from a particular air 33706  
contaminant source in an applicable regulation adopted by the 33707  
United States environmental protection agency under the federal 33708  
Clean Air Act or in an applicable rule adopted by the director, 33709  
the director shall not impose an additional requirement in a 33710  
permit that is a different monitoring, record-keeping, or 33711  
reporting requirement other than the requirement specified in the 33712  
applicable regulation or rule for that air contaminant except as 33713  
otherwise agreed to by the owner or operator of the air 33714  
contaminant source and the director. If two or more regulations or 33715  
rules impose different monitoring, record-keeping, or reporting 33716  
requirements for the same air contaminant from the same air 33717  
contaminant source, the director may impose permit terms and 33718  
conditions that consolidate or streamline the monitoring, 33719  
record-keeping, or reporting requirements in a manner that 33720



conforms with each applicable requirement. To the extent 33721  
consistent with the federal Clean Air Act and except as otherwise 33722  
agreed to by the owner or operator of an air contaminant source 33723  
and the director, the director shall not require an operating 33724  
restriction that has the practical effect of increasing the 33725  
stringency of an existing applicable emission limitation or 33726  
standard. 33727

(J) Establish, operate, and maintain monitoring stations and 33728  
other devices designed to measure air pollution and enter into 33729  
contracts with any public or private agency for the establishment, 33730  
operation, or maintenance of such stations and devices; 33731

(K) By rule adopt procedures for giving reasonable public 33732  
notice and conducting public hearings on any plans for the 33733  
prevention, control, and abatement of air pollution that the 33734  
director is required to submit to the federal government; 33735

(L) Through any employee, agent, or authorized representative 33736  
of the director or the environmental protection agency, enter upon 33737  
private or public property, including improvements thereon, at any 33738  
reasonable time, to make inspections, take samples, conduct tests, 33739  
and examine records or reports pertaining to any emission of air 33740  
contaminants and any monitoring equipment or methods and to 33741  
determine if there are any actual or potential emissions from such 33742  
premises and, if so, to determine the sources, amounts, contents, 33743  
and extent of those emissions, or to ascertain whether there is 33744  
compliance with this chapter, any orders issued or rules adopted 33745  
thereunder, or any other determination of the director. The 33746  
director, at reasonable times, may have access to and copy any 33747  
such records. If entry or inspection authorized by this division 33748  
is refused, hindered, or thwarted, the director or the director's 33749  
authorized representative may by affidavit apply for, and any 33750  
judge of a court of record may issue, an appropriate inspection 33751  
warrant necessary to achieve the purposes of this chapter within 33752

the court's territorial jurisdiction. 33753

(M) Accept and administer gifts or grants from the federal 33754  
government and from any other source, public or private, for 33755  
carrying out any of the functions under this chapter; 33756

(N) Obtain necessary scientific, technical, and laboratory 33757  
services; 33758

(O) Establish advisory boards in accordance with section 33759  
121.13 of the Revised Code; 33760

(P) Delegate to any city or general health district or 33761  
political subdivision of the state any of the director's 33762  
enforcement and monitoring powers and duties, other than 33763  
rule-making powers, as the director elects to delegate, and in 33764  
addition employ, compensate, and prescribe the powers and duties 33765  
of such officers, employees, and consultants as are necessary to 33766  
enable the director to exercise the authority and perform duties 33767  
imposed upon the director by law. Technical and other services 33768  
shall be performed, insofar as practical, by personnel of the 33769  
environmental protection agency. 33770

(Q) Certify to the government of the United States or any 33771  
agency thereof that an industrial air pollution facility is in 33772  
conformity with the state program or requirements for control of 33773  
air pollution whenever such certificate is required for a taxpayer 33774  
pursuant to any federal law or requirements; 33775

(R) Issue, modify, or revoke orders requiring abatement of or 33776  
prohibiting emissions that violate applicable emission standards 33777  
or other requirements of this chapter and rules adopted 33778  
thereunder, or requiring emission control devices or measures in 33779  
order to comply with applicable emission standards or other 33780  
requirements of this chapter and rules adopted thereunder. Any 33781  
such order shall require compliance with applicable emission 33782  
standards by a specified date and shall not conflict with any 33783

requirement of the federal Clean Air Act. In the making of such 33784  
orders, the director, to the extent consistent with the federal 33785  
Clean Air Act, shall give consideration to, and base the 33786  
determination on, evidence relating to the technical feasibility 33787  
and economic reasonableness of compliance with such orders and 33788  
their relation to benefits to the people of the state to be 33789  
derived from such compliance. If, under the federal Clean Air Act, 33790  
any such order shall provide for the posting of a bond or surety 33791  
to secure compliance with the order as a condition of issuance of 33792  
the order, the order shall so provide, but only to the extent 33793  
required by the federal Clean Air Act. 33794

(S) To the extent provided by the federal Clean Air Act, 33795  
adopt, modify, and rescind rules providing for the administrative 33796  
assessment and collection of monetary penalties, not in excess of 33797  
those required pursuant to the federal Clean Air Act, for failure 33798  
to comply with any emission limitation or standard, compliance 33799  
schedule, or other requirement of any rule, order, permit, or 33800  
variance issued or adopted under this chapter or required under 33801  
the applicable implementation plan whether or not the source is 33802  
subject to a federal or state consent decree. The director may 33803  
require the submission of compliance schedules, calculations of 33804  
penalties for noncompliance, and related information. Any orders, 33805  
payments, sanctions, or other requirements imposed pursuant to 33806  
rules adopted under this division shall be in addition to any 33807  
other permits, orders, payments, sanctions, or other requirements 33808  
established under this chapter and shall not affect any civil or 33809  
criminal enforcement proceedings brought under any provision of 33810  
this chapter or any other provision of state or local law. This 33811  
division does not apply to any requirement of this chapter 33812  
regarding the prevention or abatement of odors. 33813

(T) Require new or modified air contaminant sources to 33814  
install best available technology, but only in accordance with 33815

this division. With respect to permits issued pursuant to division 33816  
(F) of this section beginning three years after ~~the effective date~~ 33817  
~~of this amendment~~ August 3, 2006, best available technology for 33818  
air contaminant sources and air contaminants emitted by those 33819  
sources that are subject to standards adopted under section 112, 33820  
Part C of Title I, and Part D of Title I of the federal Clean Air 33821  
Act shall be equivalent to and no more stringent than those 33822  
standards. For an air contaminant or precursor of an air 33823  
contaminant for which a national ambient air quality standard has 33824  
been adopted under the federal Clean Air Act, best available 33825  
technology only shall be required to the extent required by rules 33826  
adopted under Chapter 119. of the Revised Code for permit to 33827  
install applications filed three or more years after ~~the effective~~ 33828  
~~date of this amendment~~ August 3, 2006. 33829

Best available technology requirements established in rules 33830  
adopted under this division shall be expressed only in one of the 33831  
following ways that is most appropriate for the applicable source 33832  
or source categories: 33833

(1) Work practices; 33834

(2) Source design characteristics or design efficiency of 33835  
applicable air contaminant control devices; 33836

(3) Raw material specifications or throughput limitations 33837  
averaged over a twelve-month rolling period; 33838

(4) Monthly allowable emissions averaged over a twelve-month 33839  
rolling period. 33840

Best available technology requirements shall not apply to an 33841  
air contaminant source that has the potential to emit, taking into 33842  
account air pollution controls installed on the source, less than 33843  
ten tons per year of emissions of an air contaminant or precursor 33844  
of an air contaminant for which a national ambient air quality 33845  
standard has been adopted under the federal Clean Air Act. In 33846

addition, best available technology requirements established in 33847  
rules adopted under this division shall not apply to any existing, 33848  
new, or modified air contaminant source that is subject to a 33849  
plant-wide applicability limit that has been approved by the 33850  
director. Further, best available technology requirements 33851  
established in rules adopted under this division shall not apply 33852  
to general permits issued prior to January 1, 2006, under rules 33853  
adopted under this chapter. 33854

For permits to install issued three or more years after ~~the~~ 33855  
~~effective date of this amendment~~ August 3, 2006, any new or 33856  
modified air contaminant source that has the potential to emit, 33857  
taking into account air pollution controls installed on the 33858  
source, ten or more tons per year of volatile organic compounds or 33859  
nitrogen oxides shall meet, at a minimum, the requirements of any 33860  
applicable reasonably available control technology rule in effect 33861  
as of January 1, 2006, regardless of the location of the source. 33862

(U) Consistent with section 507 of the federal Clean Air Act, 33863  
adopt, modify, suspend, and rescind rules for the establishment of 33864  
a small business stationary source technical and environmental 33865  
compliance assistance program as provided in section 3704.18 of 33866  
the Revised Code; 33867

(V) Provide for emissions trading, marketable permits, 33868  
auctions of emission rights, and economic incentives that would 33869  
reduce the cost or increase the efficiency of achieving a 33870  
specified level of environmental protection; 33871

(W) Provide for the construction of an air contaminant source 33872  
prior to obtaining a permit to install pursuant to division (F) of 33873  
this section if the applicant demonstrates that the source will be 33874  
installed to comply with all applicable emission limits and will 33875  
not adversely affect public health or safety or the environment 33876  
and if the director determines that such an action will avoid an 33877  
unreasonable hardship on the owner or operator of the source. Any 33878

such determination shall be consistent with the federal Clean Air Act. 33879  
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(X) Exercise all incidental powers, including adoption of rules, required to carry out this chapter. 33881  
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The environmental protection agency shall develop a plan to control air pollution resulting from state-operated facilities and property. 33883  
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Sec. 3704.14. (A) It is the intent of the general assembly that the enhanced motor vehicle inspection and maintenance program that was in operation pursuant to the federal Clean Air Act on January 3, 2006, in certain counties of this state pursuant to a contract that is scheduled to expire on December 31, 2007, not be extended beyond that date in those counties. If the governor determines that the extension of a transportation-based ozone reduction program in those counties is necessary to comply with federal law, the governor, by executive order, may extend the compliance efforts of this state for one year using the most cost effective, least costly, consumer accommodating, and decentralized available technology and approaches that meet federal performance standards, using an open public bidding process. Thereafter, if the governor determines that continuation of the enhanced motor vehicle inspection and maintenance program is necessary in those counties to comply with federal law, the governor, by executive order, may extend that program for an additional year or as otherwise required to comply with applicable law. The cost of any program shall be paid by the state from the auto emissions test fund, which is hereby created in the state treasury. The fund shall consist of money appropriated to it and shall be administered by the director of environmental protection. 33886  
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An executive order issued under this division shall include provisions providing the authority that is necessary for the 33908  
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environmental protection agency to adopt decentralized approaches 33910  
that meet federal performance standards through program design 33911  
changes that affect normal inspection and maintenance input 33912  
parameters to the mobile source emission factor model or through 33913  
program changes that reduce in-use mobile source emissions. Upon 33914  
issuance of such an executive order, the governor shall notify the 33915  
general assembly in writing of the governor's decision to issue 33916  
the executive order. 33917

(B)(1) It is the intent of the general assembly that a 33918  
tailpipe motor vehicle inspection and maintenance program not be 33919  
implemented in any county in the state. Moreover, it is the intent 33920  
of the general assembly that, if a motor vehicle-based ozone 33921  
testing program is mandated by federal law for counties in the 33922  
northeastern portion of this state, a tailpipe motor vehicle 33923  
inspection and maintenance program not be implemented and that an 33924  
onboard diagnostic only inspection and gas-cap testing program be 33925  
utilized to satisfy any federal requirements for vehicle emissions 33926  
testing. 33927

(2) If any motor vehicle testing program is established under 33928  
this section, the director shall ensure that motor vehicles that 33929  
are four years old or newer are exempt from the testing program. 33930

(C) Not later than thirty days after the effective date of 33931  
this section and on the first day of January of each subsequent 33932  
year, the director shall request the United States environmental 33933  
protection agency to provide to the director a list of alternative 33934  
approaches to meet federal performance standards and program 33935  
changes that this state may employ to comply with the federal 33936  
Clean Air Act in lieu of the implementation of a motor vehicle 33937  
inspection and maintenance program. Based on the information 33938  
received from the United States environmental protection agency, 33939  
the director shall prepare a report concerning those alternative 33940  
approaches. The director shall issue the report and provide it to 33941

the general assembly not later than thirty days after receiving 33942  
the list of alternative approaches from the United States 33943  
environmental protection agency. 33944

**Sec. 3705.24.** (A)(1) The public health council shall, in 33945  
accordance with section 111.15 of the Revised Code, adopt rules 33946  
prescribing fees for the following services provided by the state 33947  
office of vital statistics: 33948

(a) Except as provided in division (A)(4) of this section: 33949

(i) A certified copy of a vital record or a certification of 33950  
birth; 33951

(ii) A search by the office of vital statistics of its files 33952  
and records pursuant to a request for information, regardless of 33953  
whether a copy of a record is provided; 33954

(iii) A copy of a record provided pursuant to a request; 33955

(b) Replacement of a birth certificate following an adoption, 33956  
legitimation, paternity determination or acknowledgement, or court 33957  
order; 33958

(c) Filing of a delayed registration of a vital record; 33959

(d) Amendment of a vital record that is requested later than 33960  
one year after the filing date of the vital record; 33961

(e) Any other documents or services for which the public 33962  
health council considers the charging of a fee appropriate. 33963

(2) Fees prescribed under division (A)(1)(a) of this section 33964  
shall not be less than seven dollars. 33965

(3) Fees prescribed under division (A)(1) of this section 33966  
shall be collected in addition to any fees required by sections 33967  
3109.14 and 3705.242 of the Revised Code. 33968

(4) Fees prescribed under division (A) of this section shall 33969  
not apply to certifications issued under division (H) of this 33970



section or copies provided under section 3705.241 of the Revised Code. 33971  
33972

(B) In addition to the fees prescribed under division (A) of 33973  
this section or section 3709.09 of the Revised Code, the office of 33974  
vital statistics or the board of health of a city or general 33975  
health district shall charge a five-dollar fee for each certified 33976  
copy of a vital record and each certification of birth. This fee 33977  
shall be deposited in the general operations fund created under 33978  
section 3701.83 of the Revised Code and be used ~~solely toward to~~ 33979  
support the operations, the modernization, and the automation of 33980  
the ~~system of~~ vital records program in this state. A board of 33981  
health shall forward all fees collected under this division to the 33982  
department of health not later than thirty days after the end of 33983  
each calendar quarter. 33984

(C) Except as otherwise provided in division (H) of this 33985  
section, and except as provided in section 3705.241 of the Revised 33986  
Code, fees collected by the director of health under sections 33987  
3705.01 to 3705.29 of the Revised Code shall be paid into the 33988  
state treasury to the credit of the general operations fund 33989  
created by section 3701.83 of the Revised Code. Except as provided 33990  
in division (B) of this section, money generated by the fees shall 33991  
be used only for administration and enforcement of this chapter 33992  
and the rules adopted under it. Amounts submitted to the 33993  
department of health for copies of vital records or services in 33994  
excess of the fees imposed by this section shall be dealt with as 33995  
follows: 33996

(1) An overpayment of two dollars or less shall be retained 33997  
by the department and deposited in the state treasury to the 33998  
credit of the general operations fund created by section 3701.83 33999  
of the Revised Code. 34000

(2) An overpayment in excess of two dollars shall be returned 34001  
to the person who made the overpayment. 34002

(D) If a local registrar is a salaried employee of a city or 34003  
a general health district, any fees the local registrar receives 34004  
pursuant to section 3705.23 of the Revised Code shall be paid into 34005  
the general fund of the city or the health fund of the general 34006  
health district. 34007

Each local registrar of vital statistics, or each health 34008  
district where the local registrar is a salaried employee of the 34009  
district, shall be entitled to a fee for each birth, fetal death, 34010  
death, or military service certificate properly and completely 34011  
made out and registered with the local registrar or district and 34012  
correctly copied and forwarded to the office of vital statistics 34013  
in accordance with the population of the primary registration 34014  
district at the last federal census. The fee for each birth, fetal 34015  
death, death, or military service certificate shall be: 34016

(1) In primary registration districts of over two hundred 34017  
fifty thousand, twenty cents; 34018

(2) In primary registration districts of over one hundred 34019  
twenty-five thousand and less than two hundred fifty thousand, 34020  
sixty cents; 34021

(3) In primary registration districts of over fifty thousand 34022  
and less than one hundred twenty-five thousand, eighty cents; 34023

(4) In primary registration districts of less than fifty 34024  
thousand, one dollar. 34025

(E) The director of health shall annually certify to the 34026  
county treasurers of the several counties the number of birth, 34027  
fetal death, death, and military service certificates registered 34028  
from their respective counties with the names of the local 34029  
registrars and the amounts due each registrar and health district 34030  
at the rates fixed in this section. Such amounts shall be paid by 34031  
the treasurer of the county in which the registration districts 34032  
are located. No fees shall be charged or collected by registrars 34033

except as provided by this chapter and section 3109.14 of the Revised Code. 34034  
34035

(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. 34036  
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(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases. 34042  
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(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In setting the amount of the fee, the director shall establish a surcharge in addition to an amount necessary to offset the expense of processing heirloom certifications of birth. The fee prescribed by the director of health pursuant to this division shall be deposited into the state treasury to the credit of the heirloom certification of birth fund which is hereby created. Money credited to the fund shall be used by the office of vital statistics to offset the expense of processing heirloom certifications of birth. However, the money collected for the surcharge, subject to the approval of the controlling board, shall be used for the purposes specified by the family and children first council pursuant to section 121.37 of the Revised Code. 34049  
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<b>Sec. 3706.01.</b> As used in this chapter:	34065
(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	34066 34067 34068 34069 34070 34071 34072
(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.	34073 34074
(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.	34075 34076 34077
(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.	34078 34079 34080 34081 34082
(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.	34083 34084 34085
(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.	34086 34087
(G) "Air quality facility" means any of the following:	34088
(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including,	34089 34090 34091 34092 34093 34094

without limitation, facilities and expenditures that qualify as	34095
air pollution control facilities under section 103 (C)(4)(F) of	34096
the Internal Revenue Code of 1954, as amended, and regulations	34097
adopted thereunder;	34098
(2) Motor vehicle inspection stations operated in accordance	34099
with, and any equipment used for motor vehicle inspections	34100
conducted under, section 3704.14 of the Revised Code and rules	34101
adopted under it;	34102
(3) Ethanol or other biofuel facilities, including any	34103
equipment used at the ethanol or other biofuel facility for the	34104
production of ethanol or other biofuels;	34105
(4) Any property or portion thereof used for the collection,	34106
storage, treatment, utilization, processing, or final disposal of	34107
a by-product or solid waste resulting from any method, process,	34108
device, structure, or equipment that removes, reduces, prevents,	34109
contains, alters, conveys, stores, disperses, or disposes of air	34110
contaminants, or that renders less noxious or reduces the	34111
concentration of air contaminants in the ambient air;	34112
(5) Any property, device, or equipment that promotes the	34113
reduction of emissions of air contaminants into the ambient air	34114
through improvements in the efficiency of energy utilization or	34115
energy conservation;	34116
(6) Any coal research and development project conducted under	34117
Chapter 1555. of the Revised Code;	34118
(7) As determined by the director of the Ohio coal	34119
development office, any property or portion thereof that is used	34120
for the collection, storage, treatment, utilization, processing,	34121
or final disposal of a by-product resulting from a coal research	34122
and development project as defined in section 1555.01 of the	34123
Revised Code or from the use of clean coal technology, excluding	34124
any property or portion thereof that is used primarily for other	34125

subsequent commercial purposes; 34126

(8) Any property or portion thereof that is part of the 34127  
FutureGen project of the United States department of energy or 34128  
related to the siting of the FutureGen project. 34129

"Air quality facility" further includes any property or 34130  
system to be used in whole or in part for any of the purposes in 34131  
divisions (G)(1) to (8) of this section, whether another purpose 34132  
is also served, and any property or system incidental to or that 34133  
has to do with, or the end purpose of which is, any of the 34134  
foregoing. Air quality facilities that are defined in this 34135  
division for industry, commerce, distribution, or research, 34136  
including public utility companies, are hereby determined to be 34137  
those that qualify as facilities for the control of air pollution 34138  
and thermal pollution related to air under Section 13 of Article 34139  
VIII, Ohio Constitution. 34140

(H) "Project" or "air quality project" means any air quality 34141  
facility, including undivided or other interests therein, acquired 34142  
or to be acquired or constructed or to be constructed by the Ohio 34143  
air quality development authority under this chapter, or acquired 34144  
or to be acquired or constructed or to be constructed by a 34145  
governmental agency or person with all or a part of the cost 34146  
thereof being paid from a loan or grant from the authority under 34147  
this chapter or otherwise paid from the proceeds of air quality 34148  
revenue bonds, including all buildings and facilities that the 34149  
authority determines necessary for the operation of the project, 34150  
together with all property, rights, easements, and interests that 34151  
may be required for the operation of the project. 34152

(I) "Cost" as applied to an air quality project means the 34153  
cost of acquisition and construction, the cost of acquisition of 34154  
all land, rights-of-way, property rights, easements, franchise 34155  
rights, and interests required for such acquisition and 34156  
construction, the cost of demolishing or removing any buildings or 34157

structures on land so acquired, including the cost of acquiring 34158  
any lands to which such buildings or structures may be moved, the 34159  
cost of acquiring or constructing and equipping a principal office 34160  
and sub-offices of the authority, the cost of diverting highways, 34161  
interchange of highways, and access roads to private property, 34162  
including the cost of land or easements for such access roads, the 34163  
cost of public utility and common carrier relocation or 34164  
duplication, the cost of all machinery, furnishings, and 34165  
equipment, financing charges, interest prior to and during 34166  
construction and for no more than eighteen months after completion 34167  
of construction, engineering, expenses of research and development 34168  
with respect to air quality facilities, the cost of any commodity 34169  
contract, including fees and expenses related thereto, legal 34170  
expenses, plans, specifications, surveys, studies, estimates of 34171  
cost and revenues, working capital, other expenses necessary or 34172  
incident to determining the feasibility or practicability of 34173  
acquiring or constructing such project, administrative expense, 34174  
and such other expense as may be necessary or incident to the 34175  
acquisition or construction of the project, the financing of such 34176  
acquisition or construction, including the amount authorized in 34177  
the resolution of the authority providing for the issuance of air 34178  
quality revenue bonds to be paid into any special funds from the 34179  
proceeds of such bonds, and the financing of the placing of such 34180  
project in operation. Any obligation, cost, or expense incurred by 34181  
any governmental agency or person for surveys, borings, 34182  
preparation of plans and specifications, and other engineering 34183  
services, or any other cost described above, in connection with 34184  
the acquisition or construction of a project may be regarded as a 34185  
part of the cost of that project and may be reimbursed out of the 34186  
proceeds of air quality revenue bonds as authorized by this 34187  
chapter. 34188

(J) "Owner" includes an individual, copartnership, 34189  
association, or corporation having any title or interest in any 34190

property, rights, easements, or interests authorized to be 34191  
acquired by this chapter. 34192

(K) "Revenues" means all rentals and other charges received 34193  
by the authority for the use or services of any air quality 34194  
project, any gift or grant received with respect to any air 34195  
quality project, any moneys received with respect to the lease, 34196  
sublease, sale, including installment sale or conditional sale, or 34197  
other disposition of an air quality project, moneys received in 34198  
repayment of and for interest on any loans made by the authority 34199  
to a person or governmental agency, whether from the United States 34200  
or any department, administration, or agency thereof, or 34201  
otherwise, proceeds of such bonds to the extent that use thereof 34202  
for payment of principal of, premium, if any, or interest on the 34203  
bonds is authorized by the authority, amounts received or 34204  
otherwise derived from a commodity contract or from the sale of 34205  
the related commodity under such a contract, proceeds from any 34206  
insurance, condemnation, or guaranty pertaining to a project or 34207  
property mortgaged to secure bonds or pertaining to the financing 34208  
of the project, and income and profit from the investment of the 34209  
proceeds of air quality revenue bonds or of any revenues. 34210

(L) "Public roads" includes all public highways, roads, and 34211  
streets in the state, whether maintained by the state, county, 34212  
city, township, or other political subdivision. 34213

(M) "Public utility facilities" includes tracks, pipes, 34214  
mains, conduits, cables, wires, towers, poles, and other equipment 34215  
and appliances of any public utility. 34216

(N) "Construction," unless the context indicates a different 34217  
meaning or intent, includes reconstruction, enlargement, 34218  
improvement, or providing furnishings or equipment. 34219

(O) "Air quality revenue bonds," unless the context indicates 34220  
a different meaning or intent, includes air quality revenue notes, 34221



air quality revenue renewal notes, and air quality revenue 34222  
refunding bonds, except that notes issued in anticipation of the 34223  
issuance of bonds shall have a maximum maturity of five years as 34224  
provided in section 3706.05 of the Revised Code and notes or 34225  
renewal notes issued as the definitive obligation may be issued 34226  
maturing at such time or times with a maximum maturity of forty 34227  
years from the date of issuance of the original note. 34228

(P) "Solid waste" means any garbage; refuse; sludge from a 34229  
waste water treatment plant, water supply treatment plant, or air 34230  
pollution control facility; and other discarded material, 34231  
including solid, liquid, semisolid, or contained gaseous material 34232  
resulting from industrial, commercial, mining, and agricultural 34233  
operations, and from community activities, but not including solid 34234  
or dissolved material in domestic sewage, or solid or dissolved 34235  
material in irrigation return flows or industrial discharges that 34236  
are point sources subject to permits under section 402 of the 34237  
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 34238  
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 34239  
byproduct material as defined by the "Atomic Energy Act of 1954," 34240  
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 34241

(Q) "Sludge" means any solid, semisolid, or liquid waste, 34242  
other than a recyclable by-product, generated from a municipal, 34243  
commercial, or industrial waste water treatment plant, water 34244  
supply plant, or air pollution control facility or any other such 34245  
wastes having similar characteristics and effects. 34246

(R) "Ethanol or other biofuel facility" means a plant at 34247  
which ethanol or other biofuel is produced. 34248

(S) "Ethanol" means fermentation ethyl alcohol derived from 34249  
agricultural products, including potatoes, cereal, grains, cheese 34250  
whey, and sugar beets; forest products; or other renewable or 34251  
biomass resources, including residue and waste generated from the 34252  
production, processing, and marketing of agricultural products, 34253

forest products, and other renewable or biomass resources, that 34254  
meets all of the specifications in the American society for 34255  
testing and materials (ASTM) specification D 4806-88 and is 34256  
denatured as specified in Parts 20 and 21 of Title 27 of the Code 34257  
of Federal Regulations. 34258

(T) "Biofuel" means any fuel that is made from cellulosic 34259  
biomass resources, including renewable organic matter, crop waste 34260  
residue, wood, aquatic plants and other crops, animal waste, solid 34261  
waste, or sludge, and that is used for the production of energy 34262  
for transportation or other purposes. 34263

(U) "FutureGen project" means the buildings, equipment, and 34264  
real property and functionally related buildings, equipment, and 34265  
real property, including related research projects that support 34266  
the development and operation of the buildings, equipment, and 34267  
real property, designated by the United States department of 34268  
energy and the FutureGen industrial alliance, inc., as the 34269  
coal-fueled, zero-emissions power plant designed to prove the 34270  
technical and economic feasibility of producing electricity and 34271  
hydrogen from coal and nearly eliminating carbon dioxide emissions 34272  
through capture and permanent storage. 34273

(V) "Commodity contract" means a contract or series of 34274  
contracts entered into in connection with the acquisition or 34275  
construction of air quality facilities for the purchase or sale of 34276  
a commodity that is eligible for prepayment with the proceeds of 34277  
federally tax exempt bonds under sections 103, 141, and 148 of the 34278  
Internal Revenue Code of 1986, as amended, and regulations adopted 34279  
under it. 34280

**Sec. 3706.03.** It is hereby declared to be the public policy 34281  
of the state through the operations of the Ohio air quality 34282  
development authority under this chapter to contribute toward one 34283  
or more of the following: to provide for the conservation of air 34284

as a natural resource of the state, and to prevent or abate the 34285  
pollution thereof, to provide for the comfort, health, safety, and 34286  
general welfare of all employees, as well as all other inhabitants 34287  
of the state, to assist in the financing of air quality facilities 34288  
for industry, commerce, distribution, and research, including 34289  
public utility companies, to create or preserve jobs and 34290  
employment opportunities or improve the economic welfare of the 34291  
people, or assist and cooperate with governmental agencies in 34292  
achieving such purposes. In furtherance of such public policy the 34293  
Ohio air quality development authority may initiate, acquire, 34294  
construct, maintain, repair, and operate air quality projects or 34295  
cause the same to be operated pursuant to a lease, sublease, or 34296  
agreement with any person or governmental agency; may make loans 34297  
and grants to governmental agencies for the acquisition or 34298  
construction of air quality facilities by such governmental 34299  
agencies; may make loans to persons for the acquisition or 34300  
construction of air quality facilities by such persons; may enter 34301  
into commodity contracts with, or make loans for the purpose of 34302  
entering into commodity contracts to, any person, governmental 34303  
agency, or entity located within or without the state in 34304  
connection with the acquisition or construction of air quality 34305  
facilities; and may issue air quality revenue bonds of this state 34306  
payable solely from revenues, to pay the cost of such projects, 34307  
including any related commodity contracts. Any air quality project 34308  
shall be determined by the authority to be not inconsistent with 34309  
any applicable air quality standards duly established and then 34310  
required to be met pursuant to the "Clean Air Act," 84 Stat. 1679 34311  
(1970), 42 U.S.C.A. 1857, as amended. Any resolution of the 34312  
authority providing for acquiring or constructing such projects or 34313  
for making a loan or grant for such projects shall include a 34314  
finding by the authority that such determination has been made. 34315  
Determinations by resolution of the authority that a project is an 34316  
air quality facility under this chapter and is consistent with the 34317

purposes of section 13 of Article VIII, Ohio Constitution, and 34318  
this chapter, shall be conclusive as to the validity and 34319  
enforceability of the air quality revenue bonds issued to finance 34320  
such project and of the resolutions, trust agreements or 34321  
indentures, leases, subleases, sale agreements, loan agreements, 34322  
and other agreements made in connection therewith, all in 34323  
accordance with their terms. 34324

**Sec. 3706.041.** (A) With respect to projects, and the 34325  
financing thereof, for industry, commerce, distribution, or 34326  
research, including public utility companies, under agreements 34327  
whereby the person to whom the project is to be leased, subleased, 34328  
or sold, or to whom a loan is to be made for the project, is to 34329  
make payments sufficient to pay all of the principal of, premium, 34330  
if any, and interest on the air quality revenue bonds issued for 34331  
the project, or the counterparty under any related commodity 34332  
contract agrees to make payments sufficient in amount to pay all 34333  
of the principal of, premium, if any, and interest on the related 34334  
air quality revenue bonds, the Ohio air quality development 34335  
authority may, in addition to other powers under this chapter: 34336

(1) Make loans for the acquisition or construction of the 34337  
project to such person upon such terms as the authority may 34338  
determine or authorize, including secured or unsecured loans, and, 34339  
in connection therewith, enter into loan agreements and other 34340  
agreements, including commodity contracts, accept notes and other 34341  
forms of obligation to evidence such indebtedness and mortgages, 34342  
liens, pledges, assignments, or other security interests to secure 34343  
such indebtedness, which may be prior or ~~subordinate~~ subordinate 34344  
to or on a parity with other indebtedness, obligations, mortgages, 34345  
pledges, assignments, other security interests, or liens or 34346  
encumbrances, and take such actions as may be considered by it 34347  
appropriate to protect such security and safeguard against losses, 34348  
including, without limitation thereto, foreclosure and the bidding 34349

upon and purchase of property upon foreclosure or other sale. 34350

(2) Sell such project under such terms as it may determine, 34351  
including, without limitation thereto, sale by conditional sale or 34352  
installment sale, under which title may pass prior to or after 34353  
completion of the project or payment or provisions for payment of 34354  
all principal of, premium, if any, and interest on such bonds, or 34355  
at any other time provided in such agreement pertaining to such 34356  
sale, and including sale under an option to purchase at a price 34357  
which may be a nominal amount or less than true value at the time 34358  
of purchase. 34359

(3) Grant a mortgage, lien, or other encumbrance on, or 34360  
pledge or assignment of, or other security interest with respect 34361  
to, all or any part of the project, revenues, reserve funds, or 34362  
other funds established in connection with such bonds, or on, of, 34363  
or with respect to any lease, sublease, sale, conditional sale or 34364  
installment sale agreement, loan agreement, or other agreement 34365  
pertaining to the lease, sublease, sale, or other disposition of a 34366  
project or pertaining to a loan made for a project, or any 34367  
guaranty or insurance agreement made with respect thereto, or any 34368  
interest of the authority therein, or any other interest granted, 34369  
assigned, or released to secure payments of the principal of, 34370  
premium, if any, or interest on the bonds or to secure any other 34371  
payments to be made by the authority, which mortgage, lien, 34372  
encumbrance, pledge, assignment, or other security interest may be 34373  
prior or subordinate to or on a parity with any other mortgage, 34374  
assignment, other security interest, or lien or encumbrance. 34375

(4) Provide that the interest on such bonds may be at a 34376  
variable rate or rates changing from time to time in accordance 34377  
with a base or formula as authorized by the authority. 34378

(5) Contract for the acquisition or construction of such 34379  
project or any part thereof, including any related commodity 34380  
contracts, and for the leasing, subleasing, sale or other 34381

disposition of such project in a manner determined by the 34382  
authority in its sole discretion, without necessity for 34383  
competitive bidding or performance bonds. 34384

(B) Property comprising a project shall not be subject to 34385  
taxes or assessments and so long as the bonds or notes issued to 34386  
finance the costs of such project are outstanding, and the 34387  
transfer of title to or possession of such property to the person 34388  
to whom a loan or installment sale or conditional sale with 34389  
respect to such project is made shall not be subject to the taxes 34390  
levied pursuant to Chapters 5739. and 5741. of the Revised Code. 34391

The authority shall certify the property comprising a project 34392  
which is exempt from taxes and assessments pursuant to this 34393  
section, and shall send, by certified mail, copies of such 34394  
certification to the owner of such exempt property, to the tax 34395  
commissioner, and to the county auditor of the county or counties 34396  
in which any such exempt property is located. 34397

Each county auditor shall maintain a separate list of all 34398  
property exempt pursuant to this section and sections 6121.044 and 34399  
6123.041 of the Revised Code, in addition to the list of exempt 34400  
property required to be maintained pursuant to section 5713.07 of 34401  
the Revised Code. 34402

(C) The authority, in the lease, sale or loan agreement with 34403  
respect to a project referred to in division (A) of this section, 34404  
shall make appropriate provision for adequate maintenance of the 34405  
project. 34406

(D) With respect to the projects referred to in this section, 34407  
the authority granted by this section is cumulative and 34408  
supplementary to all other authority granted in this chapter. The 34409  
authority granted by this section does not alter or impair any 34410  
similar authority granted elsewhere in this chapter for or with 34411  
respect to other projects. 34412

Sec. 3706.05. The Ohio air quality development authority may 34413  
at any time issue revenue bonds and notes of the state in such 34414  
principal amount as, in the opinion of the authority, are 34415  
necessary for the purpose of paying any part of the cost of one or 34416  
more air quality projects or parts thereof, including one or more 34417  
payments pursuant to a commodity contract entered into in 34418  
connection with the acquisition or construction of air quality 34419  
facilities. The authority may at any time issue renewal notes, 34420  
issue bonds to pay such notes and whenever it deems refunding 34421  
expedient, refund any bonds by the issuance of air quality revenue 34422  
refunding bonds of the state, whether the bonds to be refunded 34423  
have or have not matured, and issue bonds partly to refund bonds 34424  
then outstanding, and partly for any other authorized purpose. The 34425  
refunding bonds shall be sold and the proceeds applied to the 34426  
purchase, redemption, or payment of the bonds to be refunded. 34427  
Except as may otherwise be expressly provided by the authority, 34428  
every issue of its bonds or notes shall be general obligations of 34429  
the authority payable out of the revenues of the authority that 34430  
are pledged for such payment, without preference or priority of 34431  
the first bonds issued, subject only to any agreements with the 34432  
holders of particular bonds or notes pledging any particular 34433  
revenues. Such pledge shall be valid and binding from the time the 34434  
pledge is made and the revenues so pledged and thereafter received 34435  
by the authority shall immediately be subject to the lien of such 34436  
pledge without any physical delivery thereof or further act, and 34437  
the lien of any such pledge is valid and binding as against all 34438  
parties having claims of any kind in tort, contract, or otherwise 34439  
against the authority, irrespective of whether such parties have 34440  
notice thereof. Neither the resolution nor any trust agreement by 34441  
which a pledge is created need be filed or recorded except in the 34442  
records of the authority. 34443

Whether or not the bonds or notes are of such form and 34444

character as to be negotiable instruments, the bonds or notes 34445  
shall have all the qualities and incidents of negotiable 34446  
instruments, subject only to the provisions of the bonds or notes 34447  
for registration. 34448

The bonds and notes shall be authorized by resolution of the 34449  
authority, shall bear such date or dates, and shall mature at such 34450  
time or times, in the case of any such note or any renewals 34451  
thereof not exceeding five years from the date of issue of such 34452  
original note and in the case of any such bond not exceeding forty 34453  
years from the date of issue, as such resolution or resolutions 34454  
may provide. The bonds and notes shall bear interest at such rate 34455  
or rates, be in such denominations, be in such form, either coupon 34456  
or registered, carry such registration privileges, be payable in 34457  
such medium of payment, at such place or places, and be subject to 34458  
such terms of redemption as the authority may authorize. The bonds 34459  
and notes of the authority may be sold by the authority, at public 34460  
or private sale, at or at not less than such price or prices as 34461  
the authority determines. The bonds and notes shall be executed by 34462  
the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 34463  
authority, either or both of whom may use a facsimile signature, 34464  
the official seal of the authority or a facsimile thereof shall be 34465  
affixed thereto or printed thereon and attested, manually or by 34466  
facsimile signature, by the secretary-treasurer of the authority, 34467  
and any coupons attached thereto shall bear the signature or 34468  
facsimile signature of the ~~chairman~~ chairperson of the authority. 34469  
In case any officer whose signature, or a facsimile of whose 34470  
signature, appears on any bonds, notes or coupons ceases to be 34471  
such officer before delivery of bonds or notes, such signature or 34472  
facsimile shall nevertheless be sufficient for all purposes the 34473  
same as if ~~he~~ the officer had remained in office until such 34474  
delivery, and in case the seal of the authority has been changed 34475  
after a facsimile has been imprinted on such bonds or notes, such 34476  
facsimile seal will continue to be sufficient for all purposes. 34477



Any resolution or resolutions authorizing any bonds or notes 34478  
or any issue thereof may contain provisions, subject to such 34479  
agreements with bondholders or noteholders as may then exist, 34480  
which provisions shall be a part of the contract with the holders 34481  
thereof, as to: the pledging of all or any part of the revenues of 34482  
the authority to secure the payment of the bonds or notes or of 34483  
any issue thereof; the use and disposition of revenues of the 34484  
authority; a covenant to fix, alter, and collect rentals and other 34485  
charges so that pledged revenues will be sufficient to pay costs 34486  
of operation, maintenance, and repairs, pay principal of and 34487  
interest on bonds or notes secured by the pledge of such revenues, 34488  
and provide such reserves as may be required by the applicable 34489  
resolution or trust agreement; the setting aside of reserve funds, 34490  
sinking funds, or replacement and improvement funds and the 34491  
regulation and disposition thereof; the crediting of the proceeds 34492  
of the sale of bonds or notes to and among the funds referred to 34493  
or provided for in the resolution authorizing the issuance of the 34494  
bonds or notes; the use, lease, sale, or other disposition of any 34495  
air quality project or any other assets of the authority; 34496  
limitations on the purpose to which the proceeds of sale of bonds 34497  
or notes may be applied and the pledging of such proceeds to 34498  
secure the payment of the bonds or notes or of any issue thereof; 34499  
as to notes issued in anticipation of the issuance of bonds, the 34500  
agreement of the authority to do all things necessary for the 34501  
authorization, issuance, and sale of such bonds in such amounts as 34502  
may be necessary for the timely retirement of such notes; 34503  
limitations on the issuance of additional bonds or notes; the 34504  
terms upon which additional bonds or notes may be issued and 34505  
secured; the refunding of outstanding bonds or notes; the 34506  
procedure, if any, by which the terms of any contract with 34507  
bondholders or noteholders may be amended or abrogated, the amount 34508  
of bonds or notes the holders of which must consent thereto, and 34509  
the manner in which such consent may be given; limitations on the 34510

amount of moneys to be expended by the authority for operating, 34511  
administrative, or other expenses of the authority; securing any 34512  
bonds or notes by a trust agreement in accordance with section 34513  
3706.07 of the Revised Code; any other matters, of like or 34514  
different character, that in any way affect the security or 34515  
protection of the bonds or notes. 34516

Neither the members of the authority nor any person executing 34517  
the bonds or notes shall be liable personally on the bonds or 34518  
notes or be subject to any personal liability or accountability by 34519  
reason of the issuance thereof. 34520

**Sec. 3706.07.** In the discretion of the Ohio air quality 34521  
development authority, any air quality revenue bonds or notes or 34522  
air quality revenue refunding bonds issued under Chapter 3706. of 34523  
the Revised Code, may be secured by a trust agreement between the 34524  
authority and a corporate trustee, which trustee may be any trust 34525  
company or bank having the powers of a trust company within or 34526  
without the state. 34527

Any such trust agreement may pledge or assign revenues of the 34528  
authority to be received, but shall not convey or mortgage any air 34529  
quality project or any part thereof. Any such trust agreement or 34530  
any resolution providing for the issuance of such bonds or notes 34531  
may contain such provisions for protecting and enforcing the 34532  
rights and remedies of the bondholders or noteholders as are 34533  
reasonable and proper and not in violation of law, including 34534  
covenants setting forth the duties of the authority in relation to 34535  
the acquisition of property, the construction, improvement, 34536  
maintenance, repair, operation, and insurance of the air quality 34537  
project or projects in connection with which such bonds or notes 34538  
are authorized, the rentals or other charges to be imposed for the 34539  
use or services of any air quality project, the application of 34540  
revenues received or otherwise derived from a commodity contract 34541

or from the sale of the related commodity under such contract, the 34542  
custody, safeguarding, and application of all moneys, and 34543  
provisions for the employment of consulting engineers in 34544  
connection with the construction or operation of such air quality 34545  
project or projects. Any bank or trust company incorporated under 34546  
the laws of this state that may act as depository of the proceeds 34547  
of bonds or notes or of revenues may furnish such indemnifying 34548  
bonds or may pledge such securities as are required by the 34549  
authority. Any such trust agreement may set forth the rights and 34550  
remedies of the bondholders and noteholders and of the trustee, 34551  
and may restrict the individual right of action by bondholders and 34552  
noteholders as is customary in trust agreements or trust 34553  
indentures securing similar bonds. Such trust agreement may 34554  
contain such other provisions as the authority determines 34555  
reasonable and proper for the security of the bondholders or 34556  
noteholders. All expenses incurred in carrying out the provisions 34557  
of any such trust agreement may be treated as a part of the cost 34558  
of the operation of the air quality project or projects. Any such 34559  
trust agreement or resolution authorizing the issuance of air 34560  
quality revenue bonds may provide the method whereby the general 34561  
administrative overhead expenses of the authority shall be 34562  
allocated among the several projects acquired or constructed by it 34563  
as a factor of the operation expense of each such project. 34564

**Sec. 3718.03.** (A) There is hereby created the sewage 34565  
treatment system technical advisory committee consisting of the 34566  
director of health or the director's designee and ten members who 34567  
are knowledgeable about sewage treatment systems and technologies 34568  
~~to be appointed by the director.~~ Of the ten members, four shall be 34569  
~~appointed by the director, one shall represent academia, two shall~~ 34570  
~~represent the interests of manufacturers of household sewage~~ 34571  
~~treatment systems, one shall represent installers and service~~ 34572  
~~providers, two shall be health commissioners who are members of~~ 34573

~~and recommended by the association of Ohio health commissioners, 34574  
one shall be a sanitarian who is registered under Chapter 4736. of 34575  
the Revised Code and who is a member of the Ohio environmental 34576  
health association, one shall be an engineer from the 34577  
environmental protection agency, one shall be selected from among 34578  
soil scientists from the division of soil and water conservation 34579  
in the department of natural resources, and one shall be a 34580  
representative of the public who is not employed by the state or 34581  
any of its political subdivisions and who does not have a 34582  
pecuniary interest in sewage treatment systems. All appointments 34583  
to the committee shall be made not later than sixty days after the 34584  
effective date of this section governor, three shall be appointed 34585  
by the president of the senate, and three shall be appointed by 34586  
the speaker of the house of representatives. 34587~~

(1) Of the members appointed by the governor, one shall 34588  
represent academia, one shall be a representative of the public 34589  
who is not employed by the state or any of its political 34590  
subdivisions and who does not have a pecuniary interest in 34591  
household sewage treatment systems, one shall be an engineer from 34592  
the environmental protection agency, and one shall be selected 34593  
from among soil scientists in the division of soil and water 34594  
conservation in the department of natural resources. 34595

(2) Of the members appointed by the president of the senate, 34596  
one shall be a health commissioner who is a member of and 34597  
recommended by the association of Ohio health commissioners, one 34598  
shall represent the interests of manufacturers of household sewage 34599  
treatment systems, and one shall represent installers and service 34600  
providers. 34601

(3) Of the members appointed by the speaker of the house of 34602  
representatives, one shall be a health commissioner who is a 34603  
member of and recommended by the association of Ohio health 34604  
commissioners, one shall represent the interests of manufacturers 34605

of household sewage treatment systems, and one shall be a 34606  
sanitarian who is registered under Chapter 4736. of the Revised 34607  
Code and who is a member of the Ohio environmental health 34608  
association. 34609

~~(B) Of the initial members appointed by the director to the~~ 34610  
~~technical advisory committee, three shall be appointed for one~~ 34611  
~~year, three shall be appointed for two years, and four shall be~~ 34612  
~~appointed for three years. Thereafter, terms~~ Terms of members 34613  
appointed to the committee shall be for three years, with each 34614  
term ending on the same day of the same month as did the term that 34615  
it succeeds. Each member shall serve from the date of appointment 34616  
until the end of the term for which the member was appointed. 34617

Members may be reappointed. Vacancies shall be filled in the 34618  
same manner as provided for original appointments. Any member 34619  
appointed to fill a vacancy occurring prior to the expiration date 34620  
of the term for which the member was appointed shall hold office 34621  
for the remainder of that term. A member shall continue to serve 34622  
after the expiration date of the member's term until the member's 34623  
successor is appointed or until a period of sixty days has 34624  
elapsed, whichever occurs first. ~~The director~~ applicable 34625  
appointing authority may remove a member from the committee for 34626  
failure to attend two consecutive meetings without showing good 34627  
cause for the absences. 34628

~~(C) The director or the director's designee shall serve as~~ 34629  
~~the chairperson of the technical advisory committee. The~~ technical 34630  
advisory committee annually shall select from among its members a 34631  
chairperson and a vice-chairperson and a secretary to keep a 34632  
record of its proceedings. A majority vote of the members of the 34633  
full committee is necessary to take action on any matter. The 34634  
committee may adopt bylaws governing its operation, including 34635  
bylaws that establish the frequency of meetings. 34636

(D) Serving as a member of the sewage treatment system 34637

technical advisory committee does not constitute holding a public 34638  
office or position of employment under the laws of this state and 34639  
does not constitute grounds for removal of public officers or 34640  
employees from their offices or positions of employment. Members 34641  
of the committee shall serve without compensation for attending 34642  
committee meetings. 34643

(E) A member of the committee shall not have a conflict of 34644  
interest with the position. For the purposes of this division, 34645  
"conflict of interest" means the taking of any action that 34646  
violates any provision of Chapter 102. or 2921. of the Revised 34647  
Code. 34648

(F) The sewage treatment system technical advisory committee 34649  
shall do all of the following: 34650

(1) Develop with the department of health standards and 34651  
guidelines for ~~use by the director in~~ approving or disapproving a 34652  
sewage treatment system or components of a system under section 34653  
3718.04 of the Revised Code; 34654

(2) Develop with the department an application form to be 34655  
submitted to the director by an applicant for approval or 34656  
disapproval of a sewage treatment system or components of a system 34657  
and specify the information that must be included with an 34658  
application form; 34659

(3) Advise the director on the approval or disapproval of an 34660  
application sent to the director under section 3718.04 of the 34661  
Revised Code requesting approval of a sewage treatment system or 34662  
components of a system; 34663

(4) Pursue and recruit in an active manner the research, 34664  
development, introduction, and timely approval of innovative and 34665  
cost-effective household sewage treatment systems and components 34666  
of a system for use in this state, which shall include conducting 34667  
pilot projects to assess the effectiveness of a system or 34668

components of a system; 34669

(5) By January 1, 2008, provide the household sewage and 34670  
small flow on-site sewage treatment system study commission 34671  
created by Am. Sub. H.B. 119 of the 127th general assembly with a 34672  
list of available alternative systems and the estimated cost of 34673  
each system. 34674

~~(G) If the committee meets in a calendar year, the director~~ 34675  
~~of health~~ The chairperson of the committee shall prepare and 34676  
submit a an annual report concerning the activities of the 34677  
committee to the general assembly not later than ninety days after 34678  
the end of the calendar year. The report shall discuss the number 34679  
of applications submitted under section 3718.04 of the Revised 34680  
Code for the approval of a new sewage treatment system or a 34681  
component of a system, the number of such systems and components 34682  
that were approved, any information that the committee considers 34683  
beneficial to the general assembly, and any other information that 34684  
the ~~director~~ chairperson determines is beneficial to the general 34685  
assembly. If other members of the committee ~~determines~~ determine 34686  
that certain information should be included in the report, ~~the~~ 34687  
~~committee~~ they shall submit the information to the ~~director~~ 34688  
chairperson not later than thirty days after the end of the 34689  
calendar year. 34690

(H) The department shall provide meeting space for the 34691  
committee. The committee shall be assisted in its duties by the 34692  
staff of the department. 34693

(I) Sections 101.82 to 101.87 of the Revised Code do not 34694  
apply to the sewage treatment system technical advisory committee. 34695

**Sec. 3721.51.** The department of job and family services shall 34696  
do all of the following: 34697

(A) Subject to division (C) of this section and for the 34698

purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to six dollars and twenty-five cents ~~for fiscal years 2006 and 2007 and one dollar for each fiscal year thereafter~~, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(B) Subject to division (C) of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to six dollars and twenty-five cents ~~for fiscal years 2006 and 2007 and one dollar for each fiscal year thereafter~~, multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(C) If the United States centers for medicare and medicaid



services determines that the franchise permit fee established by 34730  
sections 3721.50 to 3721.58 of the Revised Code is an 34731  
impermissible health care related tax under section 1903(w) of the 34732  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 34733  
amended, take all necessary actions to cease implementation of 34734  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 34735  
rules adopted under section 3721.58 of the Revised Code. 34736

**Sec. 3721.541.** (A) In addition to assessing a penalty 34737  
pursuant to section 3721.54 of the Revised Code, the department of 34738  
job and family services may do ~~either~~ any of the following if a 34739  
nursing facility or hospital fails to pay the full amount of a 34740  
franchise permit fee installment when due: 34741

(1) Withhold an amount less than or equal to the installment 34742  
and penalty assessed under section 3721.54 of the Revised Code 34743  
from a medicaid payment due the nursing facility or hospital until 34744  
the nursing facility or hospital pays the installment and penalty; 34745

(2) Offset an amount less than or equal to the installment 34746  
and penalty assessed under section 3721.54 of the Revised Code 34747  
from a Medicaid payment due the nursing facility or hospital; 34748

(3) Terminate the nursing facility or hospital's medicaid 34749  
provider agreement. 34750

(B) The department may ~~withhold~~ offset a medicaid payment 34751  
under division (A)(1) of this section without providing notice to 34752  
the nursing facility or hospital and without conducting an 34753  
adjudication under Chapter 119. of the Revised Code. 34754

**Sec. 3721.56.** There is hereby created in the state treasury 34755  
the home- and community-based services for the aged fund. Sixteen 34756  
per cent of all payments and penalties paid by nursing homes and 34757  
hospitals under sections 3721.53 and 3721.54 of the Revised Code 34758  
~~for fiscal years 2006 and 2007, and all such payments and~~ 34759

~~penalties paid for subsequent fiscal years,~~ shall be deposited 34760  
into the fund. The departments of job and family services and 34761  
aging shall use the moneys in the fund to fund the following in 34762  
accordance with rules adopted under section 3721.58 of the Revised 34763  
Code: 34764

(A) The medicaid program established under Chapter 5111. of 34765  
the Revised Code, including the PASSPORT program established under 34766  
section 173.40 of the Revised Code; 34767

(B) The residential state supplement program established 34768  
under section 173.35 of the Revised Code. 34769

**Sec. 3727.391.** ~~(A) The duties of the director of health under 34770  
section 3727.39 of the Revised Code apply only to the extent that 34771  
appropriations are made by the general assembly to make 34772  
performance of the duties possible. 34773~~

~~(B) Subject to division (A) of this section, the The director 34774  
of health shall enter into a contract with a person under which 34775  
the director's duties under section 3727.39 of the Revised Code 34776  
are performed by the person pursuant to the contract. The contract 34777  
may be entered into with any person selected by the director. For 34778  
purposes of section 3727.39 of the Revised Code, all references to 34779  
the director are references to the person who is under contract 34780  
with the director pursuant to this division. 34781~~

The department of health may accept gifts, grants, donations, 34782  
and awards for purposes of paying the fees or other costs incurred 34783  
when a contract is entered into under this division. 34784  
34785

**Sec. 3734.57.** (A) The following fees are hereby levied on the 34786  
transfer or disposal of solid wastes in this state: 34787

(1) One dollar per ton on and after July 1, 2003, through 34788  
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 34789

deposited in the state treasury to the credit of the hazardous 34790  
waste facility management fund created in section 3734.18 of the 34791  
Revised Code and one-half of the proceeds of which shall be 34792  
deposited in the state treasury to the credit of the hazardous 34793  
waste clean-up fund created in section 3734.28 of the Revised 34794  
Code; 34795

(2) An additional one dollar per ton on and after July 1, 34796  
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 34797  
deposited in the state treasury to the credit of the solid waste 34798  
fund, which is hereby created. The environmental protection agency 34799  
shall use money in the solid waste fund to pay the costs of 34800  
administering and enforcing the laws pertaining to solid wastes, 34801  
infectious wastes, and construction and demolition debris, 34802  
including, without limitation, ground water evaluations related to 34803  
solid wastes, infectious wastes, and construction and demolition 34804  
debris, under this chapter and Chapter 3714. of the Revised Code 34805  
and any rules adopted under them, providing compliance assistance 34806  
to small businesses, and paying a share of the administrative 34807  
costs of the environmental protection agency pursuant to section 34808  
3745.014 of the Revised Code. 34809

(3) An additional one dollar and fifty cents per ton on and 34810  
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 34811  
which shall be deposited in the state treasury to the credit of 34812  
the environmental protection fund created in section 3745.015 of 34813  
the Revised Code. 34814

In the case of solid wastes that are taken to a solid waste 34815  
transfer facility located in this state prior to being transported 34816  
for disposal at a solid waste disposal facility located in this 34817  
state or outside of this state, the fees levied under this 34818  
division shall be collected by the owner or operator of the 34819  
transfer facility as a trustee for the state. The amount of fees 34820  
required to be collected under this division at such a transfer 34821

facility shall equal the total tonnage of solid wastes received at 34822  
the facility multiplied by the fees levied under this division. In 34823  
the case of solid wastes that are not taken to a solid waste 34824  
transfer facility located in this state prior to being transported 34825  
to a solid waste disposal facility, the fees shall be collected by 34826  
the owner or operator of the solid waste disposal facility as a 34827  
trustee for the state. The amount of fees required to be collected 34828  
under this division at such a disposal facility shall equal the 34829  
total tonnage of solid wastes received at the facility that was 34830  
not previously taken to a solid waste transfer facility located in 34831  
this state multiplied by the fees levied under this division. Fees 34832  
levied under this division do not apply to materials separated 34833  
from a mixed waste stream for recycling by a generator or 34834  
materials removed from the solid waste stream through recycling, 34835  
as "recycling" is defined in rules adopted under section 3734.02 34836  
of the Revised Code. 34837

The owner or operator of a solid waste transfer facility or 34838  
disposal facility, as applicable, shall prepare and file with the 34839  
director of environmental protection each month a return 34840  
indicating the total tonnage of solid wastes received at the 34841  
facility during that month and the total amount of the fees 34842  
required to be collected under this division during that month. In 34843  
addition, the owner or operator of a solid waste disposal facility 34844  
shall indicate on the return the total tonnage of solid wastes 34845  
received from transfer facilities located in this state during 34846  
that month for which the fees were required to be collected by the 34847  
transfer facilities. The monthly returns shall be filed on a form 34848  
prescribed by the director. Not later than thirty days after the 34849  
last day of the month to which a return applies, the owner or 34850  
operator shall mail to the director the return for that month 34851  
together with the fees required to be collected under this 34852  
division during that month as indicated on the return. If the 34853  
return is filed and the amount of the fees due is paid in a timely 34854

manner as required in this division, the owner or operator may 34855  
retain a discount of three-fourths of one per cent of the total 34856  
amount of the fees that are required to be paid as indicated on 34857  
the return. 34858

The owner or operator may request an extension of not more 34859  
than thirty days for filing the return and remitting the fees, 34860  
provided that the owner or operator has submitted such a request 34861  
in writing to the director together with a detailed description of 34862  
why the extension is requested, the director has received the 34863  
request not later than the day on which the return is required to 34864  
be filed, and the director has approved the request. If the fees 34865  
are not remitted within thirty days after the last day of the 34866  
month to which the return applies or are not remitted by the last 34867  
day of an extension approved by the director, the owner or 34868  
operator shall not retain the three-fourths of one per cent 34869  
discount and shall pay an additional ten per cent of the amount of 34870  
the fees for each month that they are late. For purposes of 34871  
calculating the late fee, the first month in which fees are late 34872  
begins on the first day after the deadline has passed for timely 34873  
submitting the return and fees, and one additional month shall be 34874  
counted every thirty days thereafter. 34875

The owner or operator of a solid waste facility may request a 34876  
refund or credit of fees levied under this division and remitted 34877  
to the director that have not been paid to the owner or operator. 34878  
Such a request shall be made only if the fees have not been 34879  
collected by the owner or operator, have become a debt that has 34880  
become worthless or uncollectable for a period of six months or 34881  
more, and may be claimed as a deduction, including a deduction 34882  
claimed if the owner or operator keeps accounts on an accrual 34883  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 34884  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 34885  
making a request for a refund or credit, an owner or operator 34886

shall make reasonable efforts to collect the applicable fees. A 34887  
request for a refund or credit shall not include any costs 34888  
resulting from those efforts to collect unpaid fees. 34889

A request for a refund or credit of fees shall be made in 34890  
writing, on a form prescribed by the director, and shall be 34891  
supported by evidence that may be required in rules adopted by the 34892  
director under this chapter. After reviewing the request, and if 34893  
the request and evidence submitted with the request indicate that 34894  
a refund or credit is warranted, the director shall grant a refund 34895  
to the owner or operator or shall permit a credit to be taken by 34896  
the owner or operator on a subsequent monthly return submitted by 34897  
the owner or operator. The amount of a refund or credit shall not 34898  
exceed an amount that is equal to ninety days' worth of fees owed 34899  
to an owner or operator by a particular debtor of the owner or 34900  
operator. A refund or credit shall not be granted by the director 34901  
to an owner or operator more than once in any twelve-month period 34902  
for fees owed to the owner or operator by a particular debtor. 34903

If, after receiving a refund or credit from the director, an 34904  
owner or operator receives payment of all or part of the fees, the 34905  
owner or operator shall remit the fees with the next monthly 34906  
return submitted to the director together with a written 34907  
explanation of the reason for the submittal. 34908

For purposes of computing the fees levied under this division 34909  
or division (B) of this section, any solid waste transfer or 34910  
disposal facility that does not use scales as a means of 34911  
determining gate receipts shall use a conversion factor of three 34912  
cubic yards per ton of solid waste or one cubic yard per ton for 34913  
baled waste, as applicable. 34914

The fees levied under this division and divisions (B) and (C) 34915  
of this section are in addition to all other applicable fees and 34916  
taxes and shall be paid by the customer or a political subdivision 34917  
to the owner or operator of a solid waste transfer or disposal 34918

facility notwithstanding the existence of any provision in a 34919  
contract that the customer or a political subdivision may have 34920  
with the owner or operator or with a transporter of waste to the 34921  
facility that would not require or allow such payment. 34922

(B) For the purposes specified in division (G) of this 34923  
section, the solid waste management policy committee of a county 34924  
or joint solid waste management district may levy fees upon the 34925  
following activities: 34926

(1) The disposal at a solid waste disposal facility located 34927  
in the district of solid wastes generated within the district; 34928

(2) The disposal at a solid waste disposal facility within 34929  
the district of solid wastes generated outside the boundaries of 34930  
the district, but inside this state; 34931

(3) The disposal at a solid waste disposal facility within 34932  
the district of solid wastes generated outside the boundaries of 34933  
this state. 34934

The solid waste management plan of the county or joint 34935  
district approved under section 3734.521 or 3734.55 of the Revised 34936  
Code and any amendments to it, or the resolution adopted under 34937  
this division, as appropriate, shall establish the rates of the 34938  
fees levied under divisions (B)(1), (2), and (3) of this section, 34939  
if any, and shall specify whether the fees are levied on the basis 34940  
of tons or cubic yards as the unit of measurement. A solid waste 34941  
management district that levies fees under this division on the 34942  
basis of cubic yards shall do so in accordance with division (A) 34943  
of this section. 34944

The fee levied under division (B)(1) of this section shall be 34945  
not less than one dollar per ton nor more than two dollars per 34946  
ton, the fee levied under division (B)(2) of this section shall be 34947  
not less than two dollars per ton nor more than four dollars per 34948  
ton, and the fee levied under division (B)(3) of this section 34949

shall be not more than the fee levied under division (B)(1) of 34950  
this section. 34951

Prior to the approval of the solid waste management plan of a 34952  
district under section 3734.55 of the Revised Code, the solid 34953  
waste management policy committee of a district may levy fees 34954  
under this division by adopting a resolution establishing the 34955  
proposed amount of the fees. Upon adopting the resolution, the 34956  
committee shall deliver a copy of the resolution to the board of 34957  
county commissioners of each county forming the district and to 34958  
the legislative authority of each municipal corporation and 34959  
township under the jurisdiction of the district and shall prepare 34960  
and publish the resolution and a notice of the time and location 34961  
where a public hearing on the fees will be held. Upon adopting the 34962  
resolution, the committee shall deliver written notice of the 34963  
adoption of the resolution; of the amount of the proposed fees; 34964  
and of the date, time, and location of the public hearing to the 34965  
director and to the fifty industrial, commercial, or institutional 34966  
generators of solid wastes within the district that generate the 34967  
largest quantities of solid wastes, as determined by the 34968  
committee, and to their local trade associations. The committee 34969  
shall make good faith efforts to identify those generators within 34970  
the district and their local trade associations, but the 34971  
nonprovision of notice under this division to a particular 34972  
generator or local trade association does not invalidate the 34973  
proceedings under this division. The publication shall occur at 34974  
least thirty days before the hearing. After the hearing, the 34975  
committee may make such revisions to the proposed fees as it 34976  
considers appropriate and thereafter, by resolution, shall adopt 34977  
the revised fee schedule. Upon adopting the revised fee schedule, 34978  
the committee shall deliver a copy of the resolution doing so to 34979  
the board of county commissioners of each county forming the 34980  
district and to the legislative authority of each municipal 34981  
corporation and township under the jurisdiction of the district. 34982



Within sixty days after the delivery of a copy of the resolution 34983  
adopting the proposed revised fees by the policy committee, each 34984  
such board and legislative authority, by ordinance or resolution, 34985  
shall approve or disapprove the revised fees and deliver a copy of 34986  
the ordinance or resolution to the committee. If any such board or 34987  
legislative authority fails to adopt and deliver to the policy 34988  
committee an ordinance or resolution approving or disapproving the 34989  
revised fees within sixty days after the policy committee 34990  
delivered its resolution adopting the proposed revised fees, it 34991  
shall be conclusively presumed that the board or legislative 34992  
authority has approved the proposed revised fees. The committee 34993  
shall determine if the resolution has been ratified in the same 34994  
manner in which it determines if a draft solid waste management 34995  
plan has been ratified under division (B) of section 3734.55 of 34996  
the Revised Code. 34997

The committee may amend the schedule of fees levied pursuant 34998  
to a resolution adopted and ratified under this division by 34999  
adopting a resolution establishing the proposed amount of the 35000  
amended fees. The committee may repeal the fees levied pursuant to 35001  
such a resolution by adopting a resolution proposing to repeal 35002  
them. Upon adopting such a resolution, the committee shall proceed 35003  
to obtain ratification of the resolution in accordance with this 35004  
division. 35005

Not later than fourteen days after declaring the new fees to 35006  
be ratified or the fees to be repealed under this division, the 35007  
committee shall notify by certified mail the owner or operator of 35008  
each solid waste disposal facility that is required to collect the 35009  
fees of the ratification and the amount of the fees or of the 35010  
repeal of the fees. Collection of any fees shall commence or 35011  
collection of repealed fees shall cease on the first day of the 35012  
second month following the month in which notification is sent to 35013  
the owner or operator. 35014

Fees levied under this division also may be established, 35015  
amended, or repealed by a solid waste management policy committee 35016  
through the adoption of a new district solid waste management 35017  
plan, the adoption of an amended plan, or the amendment of the 35018  
plan or amended plan in accordance with sections 3734.55 and 35019  
3734.56 of the Revised Code or the adoption or amendment of a 35020  
district plan in connection with a change in district composition 35021  
under section 3734.521 of the Revised Code. 35022

Not later than fourteen days after the director issues an 35023  
order approving a district's solid waste management plan, amended 35024  
plan, or amendment to a plan or amended plan that establishes, 35025  
amends, or repeals a schedule of fees levied by the district, the 35026  
committee shall notify by certified mail the owner or operator of 35027  
each solid waste disposal facility that is required to collect the 35028  
fees of the approval of the plan or amended plan, or the amendment 35029  
to the plan, as appropriate, and the amount of the fees, if any. 35030  
In the case of an initial or amended plan approved under section 35031  
3734.521 of the Revised Code in connection with a change in 35032  
district composition, other than one involving the withdrawal of a 35033  
county from a joint district, the committee, within fourteen days 35034  
after the change takes effect pursuant to division (G) of that 35035  
section, shall notify by certified mail the owner or operator of 35036  
each solid waste disposal facility that is required to collect the 35037  
fees that the change has taken effect and of the amount of the 35038  
fees, if any. Collection of any fees shall commence or collection 35039  
of repealed fees shall cease on the first day of the second month 35040  
following the month in which notification is sent to the owner or 35041  
operator. 35042

If, in the case of a change in district composition involving 35043  
the withdrawal of a county from a joint district, the director 35044  
completes the actions required under division (G)(1) or (3) of 35045  
section 3734.521 of the Revised Code, as appropriate, forty-five 35046

days or more before the beginning of a calendar year, the policy 35047  
committee of each of the districts resulting from the change that 35048  
obtained the director's approval of an initial or amended plan in 35049  
connection with the change, within fourteen days after the 35050  
director's completion of the required actions, shall notify by 35051  
certified mail the owner or operator of each solid waste disposal 35052  
facility that is required to collect the district's fees that the 35053  
change is to take effect on the first day of January immediately 35054  
following the issuance of the notice and of the amount of the fees 35055  
or amended fees levied under divisions (B)(1) to (3) of this 35056  
section pursuant to the district's initial or amended plan as so 35057  
approved or, if appropriate, the repeal of the district's fees by 35058  
that initial or amended plan. Collection of any fees set forth in 35059  
such a plan or amended plan shall commence on the first day of 35060  
January immediately following the issuance of the notice. If such 35061  
an initial or amended plan repeals a schedule of fees, collection 35062  
of the fees shall cease on that first day of January. 35063

If, in the case of a change in district composition involving 35064  
the withdrawal of a county from a joint district, the director 35065  
completes the actions required under division (G)(1) or (3) of 35066  
section 3734.521 of the Revised Code, as appropriate, less than 35067  
forty-five days before the beginning of a calendar year, the 35068  
director, on behalf of each of the districts resulting from the 35069  
change that obtained the director's approval of an initial or 35070  
amended plan in connection with the change proceedings, shall 35071  
notify by certified mail the owner or operator of each solid waste 35072  
disposal facility that is required to collect the district's fees 35073  
that the change is to take effect on the first day of January 35074  
immediately following the mailing of the notice and of the amount 35075  
of the fees or amended fees levied under divisions (B)(1) to (3) 35076  
of this section pursuant to the district's initial or amended plan 35077  
as so approved or, if appropriate, the repeal of the district's 35078  
fees by that initial or amended plan. Collection of any fees set 35079

forth in such a plan or amended plan shall commence on the first 35080  
day of the second month following the month in which notification 35081  
is sent to the owner or operator. If such an initial or amended 35082  
plan repeals a schedule of fees, collection of the fees shall 35083  
cease on the first day of the second month following the month in 35084  
which notification is sent to the owner or operator. 35085

If the schedule of fees that a solid waste management 35086  
district is levying under divisions (B)(1) to (3) of this section 35087  
is amended or repealed, the fees in effect immediately prior to 35088  
the amendment or repeal shall continue to be collected until 35089  
collection of the amended fees commences or collection of the 35090  
repealed fees ceases, as applicable, as specified in this 35091  
division. In the case of a change in district composition, money 35092  
so received from the collection of the fees of the former 35093  
districts shall be divided among the resulting districts in 35094  
accordance with division (B) of section 343.012 of the Revised 35095  
Code and the agreements entered into under division (B) of section 35096  
343.01 of the Revised Code to establish the former and resulting 35097  
districts and any amendments to those agreements. 35098

For the purposes of the provisions of division (B) of this 35099  
section establishing the times when newly established or amended 35100  
fees levied by a district are required to commence and the 35101  
collection of fees that have been amended or repealed is required 35102  
to cease, "fees" or "schedule of fees" includes, in addition to 35103  
fees levied under divisions (B)(1) to (3) of this section, those 35104  
levied under section 3734.573 or 3734.574 of the Revised Code. 35105

(C) For the purposes of defraying the added costs to a 35106  
municipal corporation or township of maintaining roads and other 35107  
public facilities and of providing emergency and other public 35108  
services, and compensating a municipal corporation or township for 35109  
reductions in real property tax revenues due to reductions in real 35110  
property valuations resulting from the location and operation of a 35111

solid waste disposal facility within the municipal corporation or 35112  
township, a municipal corporation or township in which such a 35113  
solid waste disposal facility is located may levy a fee of not 35114  
more than twenty-five cents per ton on the disposal of solid 35115  
wastes at a solid waste disposal facility located within the 35116  
boundaries of the municipal corporation or township regardless of 35117  
where the wastes were generated. 35118

The legislative authority of a municipal corporation or 35119  
township may levy fees under this division by enacting an 35120  
ordinance or adopting a resolution establishing the amount of the 35121  
fees. Upon so doing the legislative authority shall mail a 35122  
certified copy of the ordinance or resolution to the board of 35123  
county commissioners or directors of the county or joint solid 35124  
waste management district in which the municipal corporation or 35125  
township is located or, if a regional solid waste management 35126  
authority has been formed under section 343.011 of the Revised 35127  
Code, to the board of trustees of that regional authority, the 35128  
owner or operator of each solid waste disposal facility in the 35129  
municipal corporation or township that is required to collect the 35130  
fee by the ordinance or resolution, and the director of 35131  
environmental protection. Although the fees levied under this 35132  
division are levied on the basis of tons as the unit of 35133  
measurement, the legislative authority, in its ordinance or 35134  
resolution levying the fees under this division, may direct that 35135  
the fees be levied on the basis of cubic yards as the unit of 35136  
measurement based upon a conversion factor of three cubic yards 35137  
per ton generally or one cubic yard per ton for baled wastes. 35138

Not later than five days after enacting an ordinance or 35139  
adopting a resolution under this division, the legislative 35140  
authority shall so notify by certified mail the owner or operator 35141  
of each solid waste disposal facility that is required to collect 35142  
the fee. Collection of any fee levied on or after March 24, 1992, 35143

shall commence on the first day of the second month following the 35144  
month in which notification is sent to the owner or operator. 35145

(D)(1) The fees levied under divisions (A), (B), and (C) of 35146  
this section do not apply to the disposal of solid wastes that: 35147

(a) Are disposed of at a facility owned by the generator of 35148  
the wastes when the solid waste facility exclusively disposes of 35149  
solid wastes generated at one or more premises owned by the 35150  
generator regardless of whether the facility is located on a 35151  
premises where the wastes are generated; 35152

(b) Are disposed of at facilities that exclusively dispose of 35153  
wastes that are generated from the combustion of coal, or from the 35154  
combustion of primarily coal in combination with scrap tires, that 35155  
is not combined in any way with garbage at one or more premises 35156  
owned by the generator. 35157

(2) Except as provided in section 3734.571 of the Revised 35158  
Code, any fees levied under division (B)(1) of this section apply 35159  
to solid wastes originating outside the boundaries of a county or 35160  
joint district that are covered by an agreement for the joint use 35161  
of solid waste facilities entered into under section 343.02 of the 35162  
Revised Code by the board of county commissioners or board of 35163  
directors of the county or joint district where the wastes are 35164  
generated and disposed of. 35165

(3) When solid wastes, other than solid wastes that consist 35166  
of scrap tires, are burned in a disposal facility that is an 35167  
incinerator or energy recovery facility, the fees levied under 35168  
divisions (A), (B), and (C) of this section shall be levied upon 35169  
the disposal of the fly ash and bottom ash remaining after burning 35170  
of the solid wastes and shall be collected by the owner or 35171  
operator of the sanitary landfill where the ash is disposed of. 35172

(4) When solid wastes are delivered to a solid waste transfer 35173  
facility, the fees levied under divisions (B) and (C) of this 35174

section shall be levied upon the disposal of solid wastes 35175  
transported off the premises of the transfer facility for disposal 35176  
and shall be collected by the owner or operator of the solid waste 35177  
disposal facility where the wastes are disposed of. 35178

(5) The fees levied under divisions (A), (B), and (C) of this 35179  
section do not apply to sewage sludge that is generated by a waste 35180  
water treatment facility holding a national pollutant discharge 35181  
elimination system permit and that is disposed of through 35182  
incineration, land application, or composting or at another 35183  
resource recovery or disposal facility that is not a landfill. 35184

(6) The fees levied under divisions (A), (B), and (C) of this 35185  
section do not apply to solid wastes delivered to a solid waste 35186  
composting facility for processing. When any unprocessed solid 35187  
waste or compost product is transported off the premises of a 35188  
composting facility and disposed of at a landfill, the fees levied 35189  
under divisions (A), (B), and (C) of this section shall be 35190  
collected by the owner or operator of the landfill where the 35191  
unprocessed waste or compost product is disposed of. 35192

(7) When solid wastes that consist of scrap tires are 35193  
processed at a scrap tire recovery facility, the fees levied under 35194  
divisions (A), (B), and (C) of this section shall be levied upon 35195  
the disposal of the fly ash and bottom ash or other solid wastes 35196  
remaining after the processing of the scrap tires and shall be 35197  
collected by the owner or operator of the solid waste disposal 35198  
facility where the ash or other solid wastes are disposed of. 35199

(8) The director of environmental protection may issue an 35200  
order exempting from the fees levied under this section solid 35201  
wastes, including, but not limited to, scrap tires, that are 35202  
generated, transferred, or disposed of as a result of a contract 35203  
providing for the expenditure of public funds entered into by the 35204  
administrator or regional administrator of the United States 35205  
environmental protection agency, the director of environmental 35206

protection, or the director of administrative services on behalf 35207  
of the director of environmental protection for the purpose of 35208  
remediating conditions at a hazardous waste facility, solid waste 35209  
facility, or other location at which the administrator or regional 35210  
administrator or the director of environmental protection has 35211  
reason to believe that there is a substantial threat to public 35212  
health or safety or the environment or that the conditions are 35213  
causing or contributing to air or water pollution or soil 35214  
contamination. An order issued by the director of environmental 35215  
protection under division (D)(8) of this section shall include a 35216  
determination that the amount of the fees not received by a solid 35217  
waste management district as a result of the order will not 35218  
adversely impact the implementation and financing of the 35219  
district's approved solid waste management plan and any approved 35220  
amendments to the plan. Such an order is a final action of the 35221  
director of environmental protection. 35222

(E) The fees levied under divisions (B) and (C) of this 35223  
section shall be collected by the owner or operator of the solid 35224  
waste disposal facility where the wastes are disposed of as a 35225  
trustee for the county or joint district and municipal corporation 35226  
or township where the wastes are disposed of. Moneys from the fees 35227  
levied under division (B) of this section shall be forwarded to 35228  
the board of county commissioners or board of directors of the 35229  
district in accordance with rules adopted under division (H) of 35230  
this section. Moneys from the fees levied under division (C) of 35231  
this section shall be forwarded to the treasurer or such other 35232  
officer of the municipal corporation as, by virtue of the charter, 35233  
has the duties of the treasurer or to the fiscal officer of the 35234  
township, as appropriate, in accordance with those rules. 35235

(F) Moneys received by the treasurer or other officer of the 35236  
municipal corporation under division (E) of this section shall be 35237  
paid into the general fund of the municipal corporation. Moneys 35238



received by the fiscal officer of the township under that division 35239  
shall be paid into the general fund of the township. The treasurer 35240  
or other officer of the municipal corporation or the township 35241  
fiscal officer, as appropriate, shall maintain separate records of 35242  
the moneys received from the fees levied under division (C) of 35243  
this section. 35244

(G) Moneys received by the board of county commissioners or 35245  
board of directors under division (E) of this section or section 35246  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 35247  
shall be paid to the county treasurer, or other official acting in 35248  
a similar capacity under a county charter, in a county district or 35249  
to the county treasurer or other official designated by the board 35250  
of directors in a joint district and kept in a separate and 35251  
distinct fund to the credit of the district. If a regional solid 35252  
waste management authority has been formed under section 343.011 35253  
of the Revised Code, moneys received by the board of trustees of 35254  
that regional authority under division (E) of this section shall 35255  
be kept by the board in a separate and distinct fund to the credit 35256  
of the district. Moneys in the special fund of the county or joint 35257  
district arising from the fees levied under division (B) of this 35258  
section and the fee levied under division (A) of section 3734.573 35259  
of the Revised Code shall be expended by the board of county 35260  
commissioners or directors of the district in accordance with the 35261  
district's solid waste management plan or amended plan approved 35262  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 35263  
exclusively for the following purposes: 35264

(1) Preparation of the solid waste management plan of the 35265  
district under section 3734.54 of the Revised Code, monitoring 35266  
implementation of the plan, and conducting the periodic review and 35267  
amendment of the plan required by section 3734.56 of the Revised 35268  
Code by the solid waste management policy committee; 35269

(2) Implementation of the approved solid waste management 35270

plan or amended plan of the district, including, without	35271
limitation, the development and implementation of solid waste	35272
recycling or reduction programs;	35273
(3) Providing financial assistance to boards of health within	35274
the district, if solid waste facilities are located within the	35275
district, for enforcement of this chapter and rules, orders, and	35276
terms and conditions of permits, licenses, and variances adopted	35277
or issued under it, other than the hazardous waste provisions of	35278
this chapter and rules adopted and orders and terms and conditions	35279
of permits issued under those provisions;	35280
(4) Providing financial assistance to each county within the	35281
district to defray the added costs of maintaining roads and other	35282
public facilities and of providing emergency and other public	35283
services resulting from the location and operation of a solid	35284
waste facility within the county under the district's approved	35285
solid waste management plan or amended plan;	35286
(5) Pursuant to contracts entered into with boards of health	35287
within the district, if solid waste facilities contained in the	35288
district's approved plan or amended plan are located within the	35289
district, for paying the costs incurred by those boards of health	35290
for collecting and analyzing samples from public or private water	35291
wells on lands adjacent to those facilities;	35292
(6) Developing and implementing a program for the inspection	35293
of solid wastes generated outside the boundaries of this state	35294
that are disposed of at solid waste facilities included in the	35295
district's approved solid waste management plan or amended plan;	35296
(7) Providing financial assistance to boards of health within	35297
the district for the enforcement of section 3734.03 of the Revised	35298
Code or to local law enforcement agencies having jurisdiction	35299
within the district for enforcing anti-littering laws and	35300
ordinances;	35301

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid

waste management policy committee by resolution. 35334

Notwithstanding division (G)(6) of this section as it existed 35335  
prior to October 29, 1993, or any provision in a district's solid 35336  
waste management plan prepared in accordance with division 35337  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 35338  
prior to that date, any moneys arising from the fees levied under 35339  
division (B)(3) of this section prior to January 1, 1994, may be 35340  
expended for any of the purposes authorized in divisions (G)(1) to 35341  
(10) of this section. 35342

(H) The director shall adopt rules in accordance with Chapter 35343  
119. of the Revised Code prescribing procedures for collecting and 35344  
forwarding the fees levied under divisions (B) and (C) of this 35345  
section to the boards of county commissioners or directors of 35346  
county or joint solid waste management districts and to the 35347  
treasurers or other officers of municipal corporations and the 35348  
fiscal officers of townships. The rules also shall prescribe the 35349  
dates for forwarding the fees to the boards and officials and may 35350  
prescribe any other requirements the director considers necessary 35351  
or appropriate to implement and administer divisions (A), (B), and 35352  
(C) of this section. 35353

**Sec. 3735.672.** (A) On or before the thirty-first day of March 35354  
each year, a legislative authority that has entered into an 35355  
agreement with a party under section 3735.671 of the Revised Code 35356  
shall submit to the director of development and the board of 35357  
education of each school district of which a municipal corporation 35358  
or township to which such an agreement applies is a part a report 35359  
on all such agreements in effect during the preceding calendar 35360  
year. The report shall include the following information: 35361

(1) The designation, assigned by the director of development, 35362  
of each community reinvestment area within the municipal 35363  
corporation or county, and the total population of each area 35364

according to the most recent data available; 35365

(2) The number of agreements and the number of full-time 35366  
employees subject to those agreements within each area, each 35367  
according to the most recent data available and identified and 35368  
categorized by the appropriate standard industrial code, and the 35369  
rate of unemployment in the municipal corporation or county in 35370  
which the area is located for each year since the area was 35371  
certified; 35372

(3) The number of agreements approved and executed during the 35373  
calendar year for which the report is submitted, the total number 35374  
of agreements in effect on the thirty-first day of December of the 35375  
preceding calendar year, the number of agreements that expired 35376  
during the calendar year for which the report is submitted, and 35377  
the number of agreements scheduled to expire during the calendar 35378  
year in which the report is submitted. For each agreement that 35379  
expired during the calendar year for which the report is 35380  
submitted, the legislative authority shall include the amount of 35381  
taxes exempted under the agreement. 35382

(4) The number of agreements receiving compliance reviews by 35383  
the tax incentive review council in the municipal corporation or 35384  
county during the calendar year for which the report is submitted, 35385  
including all of the following information: 35386

(a) The number of agreements the terms of which the party has 35387  
complied with, indicating separately for each such agreement the 35388  
value of the real property exempted pursuant to the agreement and 35389  
a comparison of the stipulated and actual schedules for hiring new 35390  
employees, for retaining existing employees, and for the amount of 35391  
payroll of the party attributable to these employees; 35392

(b) The number of agreements the terms of which a party has 35393  
failed to comply with, indicating separately for each such 35394  
agreement the value of the real and personal property exempted 35395

pursuant to the agreement and a comparison of the stipulated and 35396  
actual schedules for hiring new employees, for retaining existing 35397  
employees, and for the amount of payroll of the enterprise 35398  
attributable to these employees; 35399

(c) The number of agreements about which the tax incentive 35400  
review council made recommendations to the legislative authority, 35401  
and the number of such recommendations that have not been 35402  
followed; 35403

(d) The number of agreements rescinded during the calendar 35404  
year for which the report is submitted. 35405

(5) The number of parties subject to agreements that expanded 35406  
within each area, including the number of new employees hired and 35407  
existing employees retained by that party, and the number of new 35408  
parties subject to agreements that established within each area, 35409  
including the number of new employees hired by each party; 35410

(6) For each agreement in effect during any part of the 35411  
preceding year, the number of employees employed by the party at 35412  
the property that is the subject of the agreement immediately 35413  
prior to formal approval of the agreement, the number of employees 35414  
employed by the party at that property on the thirty-first day of 35415  
December of the preceding year, the payroll of the party for the 35416  
preceding year, the amount of taxes paid on real property that was 35417  
exempted under the agreement, and the amount of such taxes that 35418  
were not paid because of the exemption. 35419

(B) Upon the failure of a municipal corporation or county to 35420  
comply with division (A) of this section: 35421

(1) Beginning on the first day of April of the calendar year 35422  
in which the municipal corporation or county fails to comply with 35423  
that division, the municipal corporation or county shall not enter 35424  
into any agreements under section 3735.671 of the Revised Code 35425  
until the municipal corporation or county has complied with 35426

division (A) of this section. 35427

(2) On the first day of each ensuing calendar month until the 35428  
municipal corporation or county complies with that division, the 35429  
director of development shall either order the proper county 35430  
auditor to deduct from the next succeeding payment of taxes to the 35431  
municipal corporation or county under section 321.31, 321.32, 35432  
321.33, or 321.34 of the Revised Code an amount equal to five 35433  
hundred dollars for each calendar month the municipal corporation 35434  
or county fails to comply with that division, or order the county 35435  
auditor to deduct such an amount from the next succeeding payment 35436  
to the municipal corporation or county from the undivided local 35437  
government fund under section 5747.51 of the Revised Code. At the 35438  
time such a payment is made, the county auditor shall comply with 35439  
the director's order by issuing a warrant, drawn on the fund from 35440  
which such money would have been paid, to the director of 35441  
development, who shall deposit the warrant into the state 35442  
community reinvestment area program administration fund created in 35443  
division (C) of this section. 35444

(C) The director, by rule, shall establish the state's 35445  
application fee for applications submitted to a municipal 35446  
corporation or county to enter into an agreement under section 35447  
3735.671 of the Revised Code. In establishing the amount of the 35448  
fee, the director shall consider the state's cost of administering 35449  
the community reinvestment area program, including the cost of 35450  
reviewing the reports required under division (A) of this section. 35451  
The director may change the amount of the fee at such times and in 35452  
such increments as ~~he~~ the director considers necessary. Any 35453  
municipal corporation or county that receives an application shall 35454  
collect the application fee and remit the fee for deposit in the 35455  
state treasury to the credit of the ~~state community reinvestment~~ 35456  
~~area program administration fund, which is hereby created. Money~~ 35457  
~~credited to the fund shall be used by the department of~~ 35458

~~development to pay the costs of administering the community 35459  
reinvestment area program, including the cost of reviewing the 35460  
reports required under division (A) of this section tax incentive 35461  
programs operating fund created in section 122.174 of the Revised 35462  
Code. 35463~~

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks is 35464  
effective for one year beginning on the first day of December. The 35465  
fire marshal shall issue or renew a license only on that date and 35466  
at no other time. If a wholesaler of fireworks wishes to continue 35467  
engaging in the wholesale sale of fireworks at the particular 35468  
location after its then effective license expires, it shall apply 35469  
not later than the first day of October for a new license pursuant 35470  
to section 3743.15 of the Revised Code. The fire marshal shall 35471  
send a written notice of the expiration of its license to a 35472  
licensed wholesaler at least three months before the expiration 35473  
date. 35474

(B) If, during the effective period of its licensure, a 35475  
licensed wholesaler of fireworks wishes to perform any 35476  
construction, or make any structural change or renovation, on the 35477  
premises on which the fireworks are sold, the wholesaler shall 35478  
notify the fire marshal in writing. The fire marshal may require a 35479  
licensed wholesaler also to submit documentation, including, but 35480  
not limited to, plans covering the proposed construction or 35481  
structural change or renovation, if the fire marshal determines 35482  
the documentation is necessary for evaluation purposes in light of 35483  
the proposed construction or structural change or renovation. 35484

Upon receipt of the notification and additional documentation 35485  
required by the fire marshal, the fire marshal shall inspect the 35486  
premises on which the fireworks are sold to determine if the 35487  
proposed construction or structural change or renovation conforms 35488  
to sections 3743.15 to 3743.21 of the Revised Code and the rules 35489



adopted by the fire marshal pursuant to section 3743.18 of the Revised Code. The fire marshal shall issue a written authorization to the wholesaler for the construction or structural change or renovation if the fire marshal determines, upon the inspection and a review of submitted documentation, that the construction or structural change or renovation conforms to those sections and rules.

(C) The license of a wholesaler of fireworks authorizes the wholesaler to engage only in the following activities:

(1) Possess for sale at wholesale and sell at wholesale fireworks to persons who are licensed wholesalers of fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of

this state to them by the wholesaler. The possession for sale 35522  
shall be at the location described in the application for 35523  
licensure or in the notification submitted under division (B) of 35524  
this section, and the sale shall be from the inside of the 35525  
licensed building and from no other structure or device outside 35526  
this licensed building. At no time shall a licensed wholesaler 35527  
sell any class of fireworks outside a licensed building. 35528

A licensed wholesaler of fireworks shall sell under division 35529  
(C) of this section only fireworks that meet the standards set by 35530  
the consumer product safety commission or by the American 35531  
fireworks standard laboratories or that have received an EX number 35532  
from the United States department of transportation. 35533

(D) The license of a wholesaler of fireworks shall be 35534  
protected under glass and posted in a conspicuous place at the 35535  
location described in the application for licensure or in the 35536  
notification submitted under division (B) of this section. Except 35537  
as otherwise provided in this section, the license is not 35538  
transferable or assignable. A license may be transferred to 35539  
another person for the same location for which the license was 35540  
issued if the assets of the wholesaler are transferred to that 35541  
person by inheritance or by a sale approved by the fire marshal. 35542  
The license is subject to revocation in accordance with section 35543  
3743.21 of the Revised Code. 35544

(E) The fire marshal shall adopt rules for the expansion or 35545  
contraction of a licensed premises and for the approval of an 35546  
expansion or contraction. The boundaries of a licensed premises, 35547  
including any geographic expansion or contraction of those 35548  
boundaries, shall be approved by the fire marshal in accordance 35549  
with rules the fire marshal adopts. If the licensed premises of a 35550  
licensed wholesaler from which the wholesaler operates consists of 35551  
more than one parcel of real estate, those parcels must be 35552  
contiguous, unless an exception is allowed pursuant to division 35553

(G) of this section. 35554

(F)(1) Upon application by a licensed wholesaler of 35555  
fireworks, a wholesaler license may be transferred from one 35556  
geographic location to another within the same municipal 35557  
corporation or within the unincorporated area of the same 35558  
township, but only if all of the following apply: 35559

(a) The identity of the holder of the license remains the 35560  
same in the new location. 35561

(b) The former location is closed prior to the opening of the 35562  
new location and no fireworks business of any kind is conducted at 35563  
the former location after the transfer of the license. 35564

(c) The new location has received a local certificate of 35565  
zoning compliance and a local certificate of occupancy, and 35566  
otherwise is in compliance with all local building regulations. 35567

~~(d) The transfer of the license is requested by the licensee 35568  
because the existing facility poses an immediate hazard to the 35569  
public. 35570~~

~~(e)~~ Every building or structure at the new location is 35571  
separated from occupied residential and nonresidential buildings 35572  
or structures, railroads, highways, or any other buildings or 35573  
structures located on the licensed premises in accordance with the 35574  
distances specified in the rules adopted by the fire marshal 35575  
pursuant to section 3743.18 of the Revised Code. If the licensee 35576  
fails to comply with the requirements of division (F)(1)(e) of 35577  
this section by the licensee's own act, the license at the new 35578  
location is forfeited. 35579

~~(f)~~(e) Neither the licensee nor any person holding, owning, 35580  
or controlling a five per cent or greater beneficial or equity 35581  
interest in the licensee has been convicted of or has pleaded 35582  
guilty to a felony under the laws of this state, any other state, 35583  
or the United States after June 30, 1997. 35584

~~(g)~~(f) The fire marshal approves the request for the transfer. 35585  
35586

(2) The new location shall comply with the requirements specified in divisions (A)(1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after June 30, 1997. 35587  
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(G)(1) A licensed wholesaler may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply: 35592  
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(a) The licensee submits an application to the fire marshal requesting the expansion and an application fee of one hundred dollars per storage location for which the licensee is requesting approval. 35598  
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(b) The identity of the holder of the license remains the same at the storage location. 35602  
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(c) The storage location has received a valid certificate of zoning compliance, as applicable, and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations. 35604  
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(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, and any other 35613  
35614  
35615

buildings or structures on the licensed premises in accordance 35616  
with the distances specified in the rules adopted by the fire 35617  
marshal pursuant to section 3743.18 of the Revised Code. 35618

(e) Neither the licensee nor any person holding, owning, or 35619  
controlling a five per cent or greater beneficial or equity 35620  
interest in the licensee has been convicted of or pleaded guilty 35621  
to a felony under the laws of this state, any other state, or the 35622  
United States, after ~~the effective date of this amendment~~ 35623  
September 29, 2005. 35624

(f) The fire marshal approves the application for expansion. 35625

(2) The fire marshal shall approve an application for 35626  
expansion requested under division (G)(1) of this section if the 35627  
fire marshal receives the application fee and proof that the 35628  
requirements of divisions (G)(1)(b) to (e) of this section are 35629  
satisfied. The storage location shall be considered part of the 35630  
original licensed premises and shall use the same distinct number 35631  
assigned to the original licensed premises with any additional 35632  
designations as the fire marshal deems necessary in accordance 35633  
with section 3743.16 of the Revised Code. 35634

(H)(1) A licensee who obtains approval for use of a storage 35635  
location in accordance with division (G) of this section shall use 35636  
the site exclusively for the following activities, in accordance 35637  
with division (C)(1) of this section: 35638

(a) Packaging, assembling, or storing fireworks, which shall 35639  
occur only in buildings approved for such hazardous uses by the 35640  
building code official having jurisdiction for the storage 35641  
location and shall be in accordance with the rules adopted by the 35642  
fire marshal under division (B)(4) of section 3743.18 of the 35643  
Revised Code for the packaging, assembling, and storage of 35644  
fireworks. 35645

(b) Distributing fireworks to other parcels of real estate 35646

located on the wholesaler's licensed premises, to licensed 35647  
manufacturers or other licensed wholesalers in this state or to 35648  
similarly licensed persons located in another state or country; 35649

(c) Distributing fireworks to a licensed exhibitor of 35650  
fireworks pursuant to a properly issued permit in accordance with 35651  
section 3743.54 of the Revised Code. 35652

(2) A licensed wholesaler shall not engage in any sales 35653  
activity, including the retail sale of fireworks otherwise 35654  
permitted under division (C)(2) of this section or pursuant to 35655  
section 3743.44 or 3743.45 of the Revised Code, at a storage 35656  
location approved under this section. 35657

(I) A licensee shall prohibit public access to all storage 35658  
locations it uses. The fire marshal shall adopt rules establishing 35659  
acceptable measures a wholesaler shall use to prohibit access to 35660  
storage sites. 35661

(J) The fire marshal shall not place the license of a 35662  
wholesaler of fireworks in temporarily inactive status while the 35663  
holder of the license is attempting to qualify to retain the 35664  
license. 35665

(K) Each licensed wholesaler of fireworks or a designee of 35666  
the wholesaler, whose identity is provided to the fire marshal by 35667  
the wholesaler, annually shall attend a continuing education 35668  
program consisting of not less than eight hours of instruction. 35669  
The fire marshal shall develop the program and the fire marshal or 35670  
a person or public agency approved by the fire marshal shall 35671  
conduct it. A licensed wholesaler or the wholesaler's designee who 35672  
attends a program as required under this division, within one year 35673  
after attending the program, shall conduct in-service training for 35674  
other employees of the licensed wholesaler regarding the 35675  
information obtained in the program. A licensed wholesaler shall 35676  
provide the fire marshal with notice of the date, time, and place 35677

of all in-service training not less than thirty days prior to an in-service training event.

(L) A licensed wholesaler shall maintain comprehensive general liability insurance coverage in the amount and type specified under division (B)(2) of section 3743.15 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed wholesaler shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed wholesaler who secures supplemental insurance shall file evidence of the supplemental insurance with the fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

**Sec. 3743.19.** In addition to conforming to the rules of the fire marshal adopted pursuant to section 3743.18 of the Revised Code, licensed wholesalers of fireworks shall conduct their business operations in accordance with the following:

(A) A wholesaler shall conduct its business operations from the location described in its application for licensure or in a notification submitted under division (B) of section 3743.17 of the Revised Code.

(B) Signs indicating that smoking is generally forbidden and trespassing is prohibited on the premises of a wholesaler shall be posted on the premises as determined by the fire marshal.

(C) Reasonable precautions shall be taken to protect the 35709  
premises of a wholesaler from trespass, loss, theft, or 35710  
destruction. 35711

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 35712  
matches, lighters, other flame-producing items, or open flame on, 35713  
or the carrying of a concealed source of ignition into, the 35714  
premises of a wholesaler is prohibited, except that a wholesaler 35715  
may permit smoking in specified lunchrooms or restrooms in 35716  
buildings or other structures in which no sales, handling, or 35717  
storage of fireworks takes place. "NO SMOKING" signs shall be 35718  
posted on the premises as required by the fire marshal. 35719

(E) Fire and explosion prevention and other reasonable safety 35720  
measures and precautions shall be implemented by a wholesaler. 35721

(F) Persons shall not be permitted to have in their 35722  
possession or under their control, while they are on the premises 35723  
of a wholesaler, any intoxicating liquor, beer, or controlled 35724  
substance, and they shall not be permitted to enter or remain on 35725  
the premises if they are found to be under the influence of any 35726  
intoxicating liquor, beer, or controlled substance. 35727

(G) A wholesaler shall conform to all building, safety, and 35728  
zoning statutes, ordinances, rules, or other enactments that apply 35729  
to its premises. 35730

(H) Each building used in the sale of fireworks shall be kept 35731  
open to the public for at least four hours each day between the 35732  
hours of eight a.m. and five p.m., five days of each week, every 35733  
week of the year. Upon application from a licensed wholesaler, the 35734  
fire marshal may waive any of the requirements of this division. 35735

(I) Awnings, tents, or canopies shall not be used as 35736  
facilities for the storage or sale of fireworks. This division 35737  
does not prohibit the use of an awning or canopy attached to a 35738  
public access showroom for storing nonflammable shopping 35739



convenience items such as shopping carts or baskets or providing a 35740  
shaded area for patrons waiting to enter the public sales area. 35741

(J) Fireworks may be stored in trailers if the trailers are 35742  
properly enclosed, secured, and grounded and are separated from 35743  
any structure to which the public is admitted by a distance that 35744  
will, in the fire marshal's judgment, allow fire-fighting 35745  
equipment to have full access to the structures on the licensed 35746  
premises. Such trailers may be moved into closer proximity to any 35747  
structure only to accept or discharge cargo for a period not to 35748  
exceed forty-eight hours. Only two such trailers may be placed in 35749  
such closer proximity at any one time. At no time may trailers be 35750  
used for conducting sales of any class of fireworks nor may 35751  
members of the public have access to the trailers. 35752

Storage areas for fireworks that are in the same building 35753  
where fireworks are displayed and sold to the public shall be 35754  
separated from the areas to which the public has access by an 35755  
appropriately rated fire barrier wall. 35756

(K) A fire suppression system as defined in section 3781.108 35757  
of the Revised Code may be turned off only for repair, drainage of 35758  
the system to prevent damage by freezing during the period of 35759  
time, approved by the fire marshal under division (I) of this 35760  
section, that the facility is closed to public access during 35761  
winter months, or maintenance of the system. If any repair or 35762  
maintenance is necessary during times when the facility is open 35763  
for public access and business, the licensed wholesaler shall 35764  
notify in advance the appropriate insurance company and fire chief 35765  
or fire prevention officer regarding the nature of the maintenance 35766  
or repair and the time when it will be performed. 35767

(L) If any fireworks item is removed from its original 35768  
package or is manufactured with any fuse other than a fuse 35769  
approved by the consumer product safety commission, then the item 35770  
shall be covered completely by repackaging or bagging or it shall 35771

otherwise be covered so as to prevent ignition prior to sale. 35772

(M) A safety officer shall be present during regular business 35773  
hours at a building open to the public during the period 35774  
commencing fourteen days before, and ending two days after, each 35775  
fourth day of July. The officer shall be highly visible, enforce 35776  
this chapter and any applicable building codes to the extent the 35777  
officer is authorized by law, and be one of the following: 35778

(1) A deputy sheriff; 35779

(2) A law enforcement officer of a municipal corporation, 35780  
township, or township or joint township police district; 35781

(3) A private uniformed security guard registered under 35782  
section 4749.06 of the Revised Code. 35783

(N) All doors of all buildings on the licensed premises shall 35784  
swing outward. 35785

(O) All wholesale and commercial sales of fireworks shall be 35786  
packaged, shipped, placarded, and transported in accordance with 35787  
United States department of transportation regulations applicable 35788  
to the transportation, and the offering for transportation, of 35789  
hazardous materials. For purposes of this division, "wholesale and 35790  
commercial sales" includes all sales for resale and any nonretail 35791  
sale made in furtherance of a commercial enterprise. For purposes 35792  
of enforcement of these regulations under section 4905.83 of the 35793  
Revised Code, any sales transaction exceeding one thousand pounds 35794  
shall be rebuttably presumed to be a wholesale or commercial sale. 35795

**Sec. 3743.25.** (A) A licensed manufacturer, wholesaler, or 35796  
exhibitor shall bring fireworks showroom structures, to which the 35797  
public may have any access and in which employees are required to 35798  
work, on all licensed premises, into compliance with the following 35799  
safety requirements: 35800

(1) A Except as otherwise provided in division (A)(1) of this 35801

section, a fireworks showroom that is constructed or upon which expansion is undertaken on and after ~~the effective date of this section~~ June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance in the department of commerce. Division (A)(1) of this section does not apply if a licensee conducts sales only on the basis of defused representative samples in closed and covered displays within a fireworks showroom.

(2) A fireworks showroom that first begins to operate on or after ~~the effective date of this section~~ June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.

(3) A fireworks showroom structure that exists on ~~the effective date of this section~~ June 30, 1997, but that, on or after ~~the effective date of this section~~ June 30, 1997, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the fire marshal and superintendent of the division of industrial compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the fire marshal and superintendent.

(4)(a) Except as provided in division (A)(4)(b) of this section, a fireworks showroom structure that exists on ~~the effective date of this section~~ June 30, 1997, shall be retrofitted on or before June 1, 1998, with interlinked fire detection, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance.

(b) If meeting the retrofitting requirements set forth in

division (A)(4)(a) of this section would constitute an extreme 35834  
financial hardship that would force a licensee to terminate 35835  
business operations or if a licensee voluntarily so elects, the 35836  
licensee shall conduct sales only on the basis of ~~de-fused~~ defused 35837  
representative samples in closed and covered displays within the 35838  
fireworks showroom, in which case division (A)(1) of this section 35839  
does not apply. 35840

(5) A fireworks showroom structure that exists on ~~the~~ 35841  
~~effective date of this section~~ June 30, 1997, shall be in 35842  
compliance on or before June 1, 1998, with floor plans showing 35843  
occupancy load limits and internal circulation and egress patterns 35844  
that are approved by the fire marshal and superintendent of 35845  
industrial compliance, and that are submitted under seal as 35846  
required by section 3791.04 of the Revised Code. 35847

(B) The safety requirements established in division (A) of 35848  
this section are not subject to any variance, waiver, or exclusion 35849  
pursuant to this chapter or any applicable building code. 35850

**Sec. 3743.75.** (A) During the period beginning on June 29, 35851  
2001, and ending on December 15, ~~2008~~ 2011, the state fire marshal 35852  
shall not do any of the following: 35853

(1) Issue a license as a manufacturer of fireworks under 35854  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 35855  
particular fireworks plant unless that person possessed such a 35856  
license for that fireworks plant immediately prior to June 29, 35857  
2001; 35858

(2) Issue a license as a wholesaler of fireworks under 35859  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 35860  
particular location unless that person possessed such a license 35861  
for that location immediately prior to June 29, 2001; 35862

(3) Except as provided in division (B) of this section, 35863

approve the geographic transfer of a license as a manufacturer or 35864  
wholesaler of fireworks issued under this chapter to any location 35865  
other than a location for which a license was issued under this 35866  
chapter immediately prior to June 29, 2001. 35867

(B) Division (A)(3) of this section does not apply to a 35868  
transfer that the state fire marshal approves under division (F) 35869  
of section 3743.17 of the Revised Code. 35870

(C) Notwithstanding section 3743.59 of the Revised Code, the 35871  
prohibited activities established in divisions (A)(1) and (2) of 35872  
this section, geographic transfers approved pursuant to division 35873  
(F) of section 3743.17 of the Revised Code, and storage locations 35874  
allowed pursuant to division (I) of section 3743.04 of the Revised 35875  
Code or division (G) of section 3743.17 of the Revised Code are 35876  
not subject to any variance, waiver, or exclusion. 35877

(D) As used in division (A) of this section: 35878

(1) "Person" includes any person or entity, in whatever form 35879  
or name, that acquires possession of a manufacturer or wholesaler 35880  
of fireworks license issued pursuant to this chapter by transfer 35881  
of possession of a license, whether that transfer occurs by 35882  
purchase, assignment, inheritance, bequest, stock transfer, or any 35883  
other type of transfer, on the condition that the transfer is in 35884  
accordance with division (D) of section 3743.04 of the Revised 35885  
Code or division (D) of section 3743.17 of the Revised Code and is 35886  
approved by the fire marshal. 35887

(2) "Particular location" includes a licensed premises and, 35888  
regardless of when approved, any storage location approved in 35889  
accordance with section 3743.04 or 3743.17 of the Revised Code. 35890

(3) "Such a license" includes a wholesaler of fireworks 35891  
license that was issued in place of a manufacturer of fireworks 35892  
license that existed prior to June 29, 2001, and was requested to 35893  
be canceled by the license holder pursuant to division (D) of 35894

section 3743.03 of the Revised Code. 35895

**Sec. 3745.04.** (A) As used in this section, "any person" means 35896  
any individual, any partnership, corporation, association, or 35897  
other legal entity, or any political subdivision, instrumentality, 35898  
or agency of a state, whether or not the individual or legal 35899  
entity is an applicant for or holder of a license, permit, or 35900  
variance from the environmental protection agency, and includes 35901  
any department, agency, or instrumentality of the federal 35902  
government that is an applicant for or holder of a license, 35903  
permit, or variance from the environmental protection agency. 35904

As used in this section, "action" or "act" includes the 35905  
adoption, modification, or repeal of a rule or standard, the 35906  
issuance, modification, or revocation of any lawful order other 35907  
than an emergency order, and the issuance, denial, modification, 35908  
or revocation of a license, permit, lease, variance, or 35909  
certificate, or the approval or disapproval of plans and 35910  
specifications pursuant to law or rules adopted thereunder. 35911

(B) Any person who was a party to a proceeding before the 35912  
director of environmental protection may participate in an appeal 35913  
to the environmental review appeals commission for an order 35914  
vacating or modifying the action of the director or a local board 35915  
of health, or ordering the director or board of health to perform 35916  
an act. The environmental review appeals commission has exclusive 35917  
original jurisdiction over any matter that may, under this 35918  
section, be brought before it. However, the director has and 35919  
retains jurisdiction to modify, amend, revise, renew, or revoke, a 35920  
permit, rule, order, or other action that is already the subject 35921  
of an appeal to the commission, provided that if a party to that 35922  
appeal does not concur with the director's modification, 35923  
amendment, revision, renewal, or revocation, the party shall be 35924  
deemed to have appealed the modification, amendment, revision, 35925

renewal, or revocation upon providing notification to the 35926  
commission of the party's objection. Notwithstanding any other 35927  
provision in this section, such a party does not need to do either 35928  
of the following: 35929

(1) File a new notice of appeal of the modification, 35930  
amendment, revision, renewal, or revocation; 35931

(2) Pay any additional filing fee to the commission. 35932

The A person ~~se~~ appealing to the commission shall be known as 35933  
appellant, and the director and any party to a proceeding 35934  
substantially supporting the finding from which the appeal is 35935  
taken shall be known as appellee, except that when an appeal 35936  
involves a license to operate a disposal site or facility, the 35937  
local board of health or the director of environmental protection, 35938  
and any party to a proceeding substantially supporting the finding 35939  
from which the appeal is taken, shall, as appropriate, be known as 35940  
the appellee. Appellant and appellee shall be deemed to be parties 35941  
to the appeal. 35942

(C) The director may appeal an action of a local board of 35943  
health conducted under Chapter 3714. or 3734. of the Revised Code 35944  
to the environmental review appeals commission for an order 35945  
vacating or modifying the action of the board or may appeal to the 35946  
commission for an order requiring the local board of health to 35947  
perform an act. 35948

(D) An appeal shall be in writing and shall set forth the 35949  
action complained of and the grounds upon which the appeal is 35950  
based. 35951

The appeal shall be filed with the commission within thirty 35952  
days after notice of the action. Notice of the filing of the 35953  
appeal shall be filed with the appellee within three days after 35954  
the appeal is filed with the commission. 35955

The appeal shall be accompanied by a filing fee of seventy 35956

dollars, which the commission, in its discretion, may reduce if by 35957  
affidavit the appellant demonstrates that payment of the full 35958  
amount of the fee would cause extreme hardship. 35959

Within seven days after receipt of the notice of an appeal 35960  
filed under division (B) of this section, the director or local 35961  
board of health, as applicable, shall prepare and certify to the 35962  
commission a record of the proceedings out of which the appeal 35963  
arises, including all documents and correspondence, and a 35964  
transcript of all testimony. 35965

Upon the filing of an appeal, the commission shall fix the 35966  
time and place at which the hearing on the appeal will be held. 35967  
The commission shall give the appellant and the appellee at least 35968  
ten days' written notice thereof by certified mail. The commission 35969  
shall hold the hearing within thirty days after the notice of 35970  
appeal is filed. The commission may postpone or continue any 35971  
hearing upon its own motion or upon application of the appellant 35972  
or of the appellee. 35973

The filing of an appeal does not automatically suspend or 35974  
stay execution of the action appealed from. Upon application by 35975  
the appellant, the commission may suspend or stay the execution 35976  
pending immediate determination of the appeal without interruption 35977  
by continuances, other than for unavoidable circumstances. 35978

(E) As used in this section and sections 3745.05 and 3745.06 35979  
of the Revised Code, "director of environmental protection" and 35980  
"director" are deemed to include the director of agriculture and 35981  
"environmental protection agency" is deemed to include the 35982  
department of agriculture with respect to actions that are 35983  
appealable to the commission under Chapter 903. of the Revised 35984  
Code. 35985

**Sec. 3745.11.** (A) Applicants for and holders of permits, 35986  
licenses, variances, plan approvals, and certifications issued by 35987



the director of environmental protection pursuant to Chapters 35988  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 35989  
to the environmental protection agency for each such issuance and 35990  
each application for an issuance as provided by this section. No 35991  
fee shall be charged for any issuance for which no application has 35992  
been submitted to the director. 35993

(B) Each person who is issued a permit to install prior to 35994  
July 1, 2003, pursuant to rules adopted under division (F) of 35995  
section 3704.03 of the Revised Code shall pay the fees specified 35996  
in the following schedules: 35997

(1) Fuel-burning equipment (boilers) 35998

Input capacity (maximum) 35999

(million British thermal units per hour) Permit to install 36000

Greater than 0, but less than 10 \$ 200 36001

10 or more, but less than 100 400 36002

100 or more, but less than 300 800 36003

300 or more, but less than 500 1500 36004

500 or more, but less than 1000 2500 36005

1000 or more, but less than 5000 4000 36006

5000 or more 6000 36007

Units burning exclusively natural gas, number two fuel oil, 36008

or both shall be assessed a fee that is one-half of the applicable 36009

amount established in division (F)(1) of this section. 36010

(2) Incinerators 36011

Input capacity (pounds per hour) Permit to install 36012

0 to 100 \$ 100 36013

101 to 500 400 36014

501 to 2000 750 36015

2001 to 20,000 1000 36016

more than 20,000 2500 36017

(3)(a) Process 36018

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	36019
1001 to 5000	400	36020
5001 to 10,000	600	36021
10,001 to 50,000	800	36022
more than 50,000	1000	36023

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. 36025  
36026

(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised: 36027  
36028  
36029  
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- 1211 Bituminous coal and lignite mining; 36036
- 1213 Bituminous coal and lignite mining services; 36037
- 1411 Dimension stone; 36038
- 1422 Crushed and broken limestone; 36039
- 1427 Crushed and broken stone, not elsewhere classified; 36040
- 1442 Construction sand and gravel; 36041
- 1446 Industrial sand; 36042
- 3281 Cut stone and stone products; 36043
- 3295 Minerals and earth, ground or otherwise treated. 36044

(c) The fees established in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process listed in division (B)(3)(b) of this section: 36045  
36046  
36047  
36048

Process weight rate (pounds per hour)	Permit to install	36049
0 to 1000	\$ 200	36050
10,001 to 50,000	300	36051
50,001 to 100,000	400	36052
100,001 to 200,000	500	36053
200,001 to 400,000	600	36054
400,001 or more	700	36055
(4) Storage tanks		36056
Gallons (maximum useful capacity)	Permit to install	36057
0 to 20,000	\$ 100	36058
20,001 to 40,000	150	36059
40,001 to 100,000	200	36060
100,001 to 250,000	250	36061
250,001 to 500,000	350	36062
500,001 to 1,000,000	500	36063
1,000,001 or greater	750	36064
(5) Gasoline/fuel dispensing facilities		36065
For each gasoline/fuel dispensing facility	Permit to install	36066
	\$ 100	36067
(6) Dry cleaning facilities		36068
For each dry cleaning facility	Permit to install	36069
(includes all units at the facility)	\$ 100	36070
(7) Registration status		36071
For each source covered by registration status	Permit to install	36072
	\$ 75	36073
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering		36074 36075 36076 36077 36078 36079 36080

calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(c) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program.

(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual

emissions from the generating unit during the preceding calendar 36112  
year. 36113

(4) The director shall issue invoices to owners or operators 36114  
of air contaminant sources who are required to pay a fee assessed 36115  
under division (C) or (D) of this section. Any such invoice shall 36116  
be issued no sooner than the applicable date when the fee first 36117  
may be collected in a year under the applicable division, shall 36118  
identify the nature and amount of the fee assessed, and shall 36119  
indicate that the fee is required to be paid within thirty days 36120  
after the issuance of the invoice. 36121

(D)(1) Except as provided in division (D)(3) of this section, 36122  
from January 1, 1994, through December 31, 2003, each person who 36123  
owns or operates an air contaminant source; who is required to 36124  
apply for a permit to operate pursuant to rules adopted under 36125  
division (G), or a variance pursuant to division (H), of section 36126  
3704.03 of the Revised Code; and who is not required to apply for 36127  
and obtain a Title V permit under section 3704.036 of the Revised 36128  
Code shall pay a single fee based upon the sum of the actual 36129  
annual emissions from the facility of the regulated pollutants 36130  
particulate matter, sulfur dioxide, nitrogen oxides, organic 36131  
compounds, and lead in accordance with the following schedule: 36132

Total tons per year 36133		
of regulated pollutants 36134	Annual fee	
emitted 36135	per facility	
More than 0, but less than 50 36136	\$ 75	
50 or more, but less than 100 36137	300	
100 or more 36138	700	

(2) Except as provided in division (D)(3) of this section, 36139  
beginning January 1, 2004, each person who owns or operates an air 36140  
contaminant source; who is required to apply for a permit to 36141  
operate pursuant to rules adopted under division (G), or a 36142  
variance pursuant to division (H), of section 3704.03 of the 36143

Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670

30 or more, but less than 40	1,010	36176
40 or more, but less than 50	1,340	36177
50 or more, but less than 60	1,680	36178
60 or more, but less than 70	2,010	36179
70 or more, but less than 80	2,350	36180
80 or more, but less than 90	2,680	36181
90 or more, but less than 100	3,020	36182
100 or more	3,350	36183

(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:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)	(million British thermal units per hour)	Permit to install
Greater than 0, but less than 10		\$ 200
10 or more, but less than 100		400
100 or more, but less than 300		1000
300 or more, but less than 500		2250
500 or more, but less than 1000		3750
1000 or more, but less than 5000		6000
5000 or more		9000

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.



(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		36240
Generating capacity (mega watts)	Permit to install	36242
0 or more, but less than 10	\$ 25	36243
10 or more, but less than 25	150	36244
25 or more, but less than 50	300	36245
50 or more, but less than 100	500	36246
100 or more, but less than 250	1000	36247
250 or more	2000	36248
(3) Incinerators		36249
Input capacity (pounds per hour)	Permit to install	36250
0 to 100	\$ 100	36251
101 to 500	500	36252
501 to 2000	1000	36253
2001 to 20,000	1500	36254
more than 20,000	3750	36255
(4)(a) Process		36256
Process weight rate (pounds per hour)	Permit to install	36257
0 to 1000	\$ 200	36258
1001 to 5000	500	36259
5001 to 10,000	750	36260
10,001 to 50,000	1000	36261
more than 50,000	1250	36262
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		36263 36264 36265 36266 36267 36268 36269 36270 36271

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 36282
- Major group 12, coal mining; 36283
- Major group 14, mining and quarrying of nonmetallic minerals; 36284
- Industry group 204, grain mill products; 36285
- 2873 Nitrogen fertilizers; 36286
- 2874 Phosphatic fertilizers; 36287
- 3281 Cut stone and stone products; 36288
- 3295 Minerals and earth, ground or otherwise treated; 36289
- 4221 Grain elevators (storage only); 36290
- 5159 Farm related raw materials; 36291
- 5261 Retail nurseries and lawn and garden supply stores. 36292

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	36298
10,001 to 50,000	400	36299

50,001 to 100,000	500	36300
100,001 to 200,000	600	36301
200,001 to 400,000	750	36302
400,001 or more	900	36303
(5) Storage tanks		36304
Gallons (maximum useful capacity)	Permit to install	36305
0 to 20,000	\$ 100	36306
20,001 to 40,000	150	36307
40,001 to 100,000	250	36308
100,001 to 500,000	400	36309
500,001 or greater	750	36310
(6) Gasoline/fuel dispensing facilities		36311
For each gasoline/fuel		36312
dispensing facility (includes all	Permit to install	36313
units at the facility)	\$ 100	36314
(7) Dry cleaning facilities		36315
For each dry cleaning		36316
facility (includes all units	Permit to install	36317
at the facility)	\$ 100	36318
(8) Registration status		36319
For each source covered	Permit to install	36320
by registration status	\$ 75	36321
(G) An owner or operator who is responsible for an asbestos		36322
demolition or renovation project pursuant to rules adopted under		36323
section 3704.03 of the Revised Code shall pay the fees set forth		36324
in the following schedule:		36325
Action	Fee	36326
Each notification	\$75	36327
Asbestos removal	\$3/unit	36328
Asbestos cleanup	\$4/cubic yard	36329
For purposes of this division, "unit" means any combination of		36330

linear feet or square feet equal to fifty. 36331

(H) A person who is issued an extension of time for a permit 36332  
to install an air contaminant source pursuant to rules adopted 36333  
under division (F) of section 3704.03 of the Revised Code shall 36334  
pay a fee equal to one-half the fee originally assessed for the 36335  
permit to install under this section, except that the fee for such 36336  
an extension shall not exceed two hundred dollars. 36337

(I) A person who is issued a modification to a permit to 36338  
install an air contaminant source pursuant to rules adopted under 36339  
section 3704.03 of the Revised Code shall pay a fee equal to 36340  
one-half of the fee that would be assessed under this section to 36341  
obtain a permit to install the source. The fee assessed by this 36342  
division only applies to modifications that are initiated by the 36343  
owner or operator of the source and shall not exceed two thousand 36344  
dollars. 36345

(J) Notwithstanding division (B) or (F) of this section, a 36346  
person who applies for or obtains a permit to install pursuant to 36347  
rules adopted under division (F) of section 3704.03 of the Revised 36348  
Code after the date actual construction of the source began shall 36349  
pay a fee for the permit to install that is equal to twice the fee 36350  
that otherwise would be assessed under the applicable division 36351  
unless the applicant received authorization to begin construction 36352  
under division (W) of section 3704.03 of the Revised Code. This 36353  
division only applies to sources for which actual construction of 36354  
the source begins on or after July 1, 1993. The imposition or 36355  
payment of the fee established in this division does not preclude 36356  
the director from taking any administrative or judicial 36357  
enforcement action under this chapter, Chapter 3704., 3714., 36358  
3734., or 6111. of the Revised Code, or a rule adopted under any 36359  
of them, in connection with a violation of rules adopted under 36360  
division (F) of section 3704.03 of the Revised Code. 36361

As used in this division, "actual construction of the source" 36362

means the initiation of physical on-site construction activities 36363  
in connection with improvements to the source that are permanent 36364  
in nature, including, without limitation, the installation of 36365  
building supports and foundations and the laying of underground 36366  
pipework. 36367

(K) Fifty cents per ton of each fee assessed under division 36368  
(C) of this section on actual emissions from a source and received 36369  
by the environmental protection agency pursuant to that division 36370  
shall be deposited into the state treasury to the credit of the 36371  
small business assistance fund created in section 3706.19 of the 36372  
Revised Code. The remainder of the moneys received by the division 36373  
pursuant to that division and moneys received by the agency 36374  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 36375  
section shall be deposited in the state treasury to the credit of 36376  
the clean air fund created in section 3704.035 of the Revised 36377  
Code. 36378

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 36379  
or (c) of this section, a person issued a water discharge permit 36380  
or renewal of a water discharge permit pursuant to Chapter 6111. 36381  
of the Revised Code shall pay a fee based on each point source to 36382  
which the issuance is applicable in accordance with the following 36383  
schedule: 36384

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	36385
1,001 to 5000	100	36387
5,001 to 50,000	200	36388
50,001 to 100,000	300	36389
100,001 to 300,000	525	36390
over 300,000	750	36391

(b) Notwithstanding the fee schedule specified in division 36392  
(L)(1)(a) of this section, the fee for a water discharge permit 36393  
that is applicable to coal mining operations regulated under 36394

Chapter 1513. of the Revised Code shall be two hundred fifty 36395  
dollars per mine. 36396

(c) Notwithstanding the fee schedule specified in division 36397  
(L)(1)(a) of this section, the fee for a water discharge permit 36398  
for a public discharger identified by I in the third character of 36399  
the permittee's NPDES permit number shall not exceed seven hundred 36400  
fifty dollars. 36401

(2) A person applying for a plan approval for a wastewater 36402  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 36403  
of the Revised Code shall pay a fee of one hundred dollars plus 36404  
sixty-five one-hundredths of one per cent of the estimated project 36405  
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 36406  
two-tenths of one per cent of the estimated project cost on and 36407  
after July 1, ~~2008~~ 2010, except that the total fee shall not 36408  
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 36409  
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 36410  
shall be paid at the time the application is submitted. 36411

(3) A person issued a modification of a water discharge 36412  
permit shall pay a fee equal to one-half the fee that otherwise 36413  
would be charged for a water discharge permit, except that the fee 36414  
for the modification shall not exceed four hundred dollars. 36415

(4) A person who has entered into an agreement with the 36416  
director under section 6111.14 of the Revised Code shall pay an 36417  
administrative service fee for each plan submitted under that 36418  
section for approval that shall not exceed the minimum amount 36419  
necessary to pay administrative costs directly attributable to 36420  
processing plan approvals. The director annually shall calculate 36421  
the fee and shall notify all persons who have entered into 36422  
agreements under that section, or who have applied for agreements, 36423  
of the amount of the fee. 36424

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 36425

30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 36426  
pursuant to Chapter 6111. of the Revised Code with an average 36427  
daily discharge flow of five thousand gallons or more shall pay a 36428  
nonrefundable annual discharge fee. Any person who fails to pay 36429  
the fee at that time shall pay an additional amount that equals 36430  
ten per cent of the required annual discharge fee. 36431

(ii) The billing year for the annual discharge fee 36432  
established in division (L)(5)(a)(i) of this section shall consist 36433  
of a twelve-month period beginning on the first day of January of 36434  
the year preceding the date when the annual discharge fee is due. 36435  
In the case of an existing source that permanently ceases to 36436  
discharge during a billing year, the director shall reduce the 36437  
annual discharge fee, including the surcharge applicable to 36438  
certain industrial facilities pursuant to division (L)(5)(c) of 36439  
this section, by one-twelfth for each full month during the 36440  
billing year that the source was not discharging, but only if the 36441  
person holding the NPDES discharge permit for the source notifies 36442  
the director in writing, not later than the first day of October 36443  
of the billing year, of the circumstances causing the cessation of 36444  
discharge. 36445

(iii) The annual discharge fee established in division 36446  
(L)(5)(a)(i) of this section, except for the surcharge applicable 36447  
to certain industrial facilities pursuant to division (L)(5)(c) of 36448  
this section, shall be based upon the average daily discharge flow 36449  
in gallons per day calculated using first day of May through 36450  
thirty-first day of October flow data for the period two years 36451  
prior to the date on which the fee is due. In the case of NPDES 36452  
discharge permits for new sources, the fee shall be calculated 36453  
using the average daily design flow of the facility until actual 36454  
average daily discharge flow values are available for the time 36455  
period specified in division (L)(5)(a)(iii) of this section. The 36456  
annual discharge fee may be prorated for a new source as described 36457

in division (L)(5)(a)(ii) of this section. 36458

(b) An NPDES permit holder that is a public discharger shall 36459  
pay the fee specified in the following schedule: 36460

Average daily discharge flow	Fee due by January 30, <del>2006</del> <u>2008</u> , and January 30, <del>2007</del> <u>2009</u>	
5,000 to 49,999	\$ 200	36465
50,000 to 100,000	500	36466
100,001 to 250,000	1,050	36467
250,001 to 1,000,000	2,600	36468
1,000,001 to 5,000,000	5,200	36469
5,000,001 to 10,000,000	10,350	36470
10,000,001 to 20,000,000	15,550	36471
20,000,001 to 50,000,000	25,900	36472
50,000,001 to 100,000,000	41,400	36473
100,000,001 or more	62,100	36474

Public dischargers owning or operating two or more publicly 36475  
owned treatment works serving the same political subdivision, as 36476  
"treatment works" is defined in section 6111.01 of the Revised 36477  
Code, and that serve exclusively political subdivisions having a 36478  
population of fewer than one hundred thousand shall pay an annual 36479  
discharge fee under division (L)(5)(b) of this section that is 36480  
based on the combined average daily discharge flow of the 36481  
treatment works. 36482

(c) An NPDES permit holder that is an industrial discharger, 36483  
other than a coal mining operator identified by P in the third 36484  
character of the permittee's NPDES permit number, shall pay the 36485  
fee specified in the following schedule: 36486

Average daily discharge flow	Fee due by January 30,	
---------------------------------	---------------------------	--



	<del>2006</del> <u>2008</u> , and	36489
	January 30, <del>2007</del>	36490
	<u>2009</u>	
5,000 to 49,999	\$ 250	36491
50,000 to 250,000	1,200	36492
250,001 to 1,000,000	2,950	36493
1,000,001 to 5,000,000	5,850	36494
5,000,001 to 10,000,000	8,800	36495
10,000,001 to 20,000,000	11,700	36496
20,000,001 to 100,000,000	14,050	36497
100,000,001 to 250,000,000	16,400	36498
250,000,001 or more	18,700	36499

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 36520  
storm water discharge shall pay a nonrefundable storm water 36521  
discharge fee of one hundred dollars per square mile of area 36522  
permitted. The fee shall not exceed ten thousand dollars and shall 36523  
be payable on or before January 30, 2004, and the thirtieth day of 36524  
January of each year thereafter. Any person who fails to pay the 36525  
fee on the date specified in division (L)(6) of this section shall 36526  
pay an additional amount per year equal to ten per cent of the 36527  
annual fee that is unpaid. 36528

(7) The director shall transmit all moneys collected under 36529  
division (L) of this section to the treasurer of state for deposit 36530  
into the state treasury to the credit of the surface water 36531  
protection fund created in section 6111.038 of the Revised Code. 36532

(8) As used in division (L) of this section: 36533

(a) "NPDES" means the federally approved national pollutant 36534  
discharge elimination system program for issuing, modifying, 36535  
revoking, reissuing, terminating, monitoring, and enforcing 36536  
permits and imposing and enforcing pretreatment requirements under 36537  
Chapter 6111. of the Revised Code and rules adopted under it. 36538

(b) "Public discharger" means any holder of an NPDES permit 36539  
identified by P in the second character of the NPDES permit number 36540  
assigned by the director. 36541

(c) "Industrial discharger" means any holder of an NPDES 36542  
permit identified by I in the second character of the NPDES permit 36543  
number assigned by the director. 36544

(d) "Major discharger" means any holder of an NPDES permit 36545  
classified as major by the regional administrator of the United 36546  
States environmental protection agency in conjunction with the 36547  
director. 36548

(M) Through June 30, ~~2008~~ 2010, a person applying for a 36549  
license or license renewal to operate a public water system under 36550

section 6109.21 of the Revised Code shall pay the appropriate fee 36551  
established under this division at the time of application to the 36552  
director. Any person who fails to pay the fee at that time shall 36553  
pay an additional amount that equals ten per cent of the required 36554  
fee. The director shall transmit all moneys collected under this 36555  
division to the treasurer of state for deposit into the drinking 36556  
water protection fund created in section 6109.30 of the Revised 36557  
Code. 36558

Except as provided in division (M)(4) of this section, fees 36559  
required under this division shall be calculated and paid in 36560  
accordance with the following schedule: 36561

(1) For the initial license required under division (A)(1) of 36562  
section 6109.21 of the Revised Code for any public water system 36563  
that is a community water system as defined in section 6109.01 of 36564  
the Revised Code, and for each license renewal required for such a 36565  
system prior to January 31, ~~2008~~ 2010, the fee is: 36566

Number of service connections	Fee amount	
Not more than 49	\$ 112	36568
50 to 99	176	36569
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	36571
2,500 to 4,999	1.48	36572
5,000 to 7,499	1.42	36573
7,500 to 9,999	1.34	36574
10,000 to 14,999	1.16	36575
15,000 to 24,999	1.10	36576
25,000 to 49,999	1.04	36577
50,000 to 99,999	.92	36578
100,000 to 149,999	.86	36579
150,000 to 199,999	.80	36580
200,000 or more	.76	36581

A public water system may determine how it will pay the total 36582

amount of the fee calculated under division (M)(1) of this 36583  
section, including the assessment of additional user fees that may 36584  
be assessed on a volumetric basis. 36585

As used in division (M)(1) of this section, "service 36586  
connection" means the number of active or inactive pipes, 36587  
goosenecks, pigtails, and any other fittings connecting a water 36588  
main to any building outlet. 36589

(2) For the initial license required under division (A)(2) of 36590  
section 6109.21 of the Revised Code for any public water system 36591  
that is not a community water system and serves a nontransient 36592  
population, and for each license renewal required for such a 36593  
system prior to January 31, ~~2008~~ 2010, the fee is: 36594

Population served	Fee amount	
Fewer than 150	\$ 112	36596
150 to 299	176	36597
300 to 749	384	36598
750 to 1,499	628	36599
1,500 to 2,999	1,268	36600
3,000 to 7,499	2,816	36601
7,500 to 14,999	5,510	36602
15,000 to 22,499	9,048	36603
22,500 to 29,999	12,430	36604
30,000 or more	16,820	36605

As used in division (M)(2) of this section, "population 36606  
served" means the total number of individuals receiving water from 36607  
the water supply during a twenty-four-hour period for at least 36608  
sixty days during any calendar year. In the absence of a specific 36609  
population count, that number shall be calculated at the rate of 36610  
three individuals per service connection. 36611

(3) For the initial license required under division (A)(3) of 36612  
section 6109.21 of the Revised Code for any public water system 36613  
that is not a community water system and serves a transient 36614

population, and for each license renewal required for such a 36615  
system prior to January 31, ~~2008~~ 2010, the fee is: 36616

Number of wells supplying system	Fee amount	
1	\$112	36618
2	112	36619
3	176	36620
4	278	36621
5	568	36622
System designated as using a		36623
surface water source	792	36624

As used in division (M)(3) of this section, "number of wells 36625  
supplying system" means those wells that are physically connected 36626  
to the plumbing system serving the public water system. 36627

(4) A public water system designated as using a surface water 36628  
source shall pay a fee of seven hundred ninety-two dollars or the 36629  
amount calculated under division (M)(1) or (2) of this section, 36630  
whichever is greater. 36631

(N)(1) A person applying for a plan approval for a public 36632  
water supply system under section 6109.07 of the Revised Code 36633  
shall pay a fee of one hundred fifty dollars plus thirty-five 36634  
hundredths of one per cent of the estimated project cost, except 36635  
that the total fee shall not exceed twenty thousand dollars 36636  
through June 30, ~~2008~~ 2010, and fifteen thousand dollars on and 36637  
after July 1, ~~2008~~ 2010. The fee shall be paid at the time the 36638  
application is submitted. 36639

(2) A person who has entered into an agreement with the 36640  
director under division (A)(2) of section 6109.07 of the Revised 36641  
Code shall pay an administrative service fee for each plan 36642  
submitted under that section for approval that shall not exceed 36643  
the minimum amount necessary to pay administrative costs directly 36644  
attributable to processing plan approvals. The director annually 36645  
shall calculate the fee and shall notify all persons that have 36646

entered into agreements under that division, or who have applied 36647  
for agreements, of the amount of the fee. 36648

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per 36649  
survey basis, shall be charged any person for services rendered by 36650  
the state in the evaluation of laboratories and laboratory 36651  
personnel for compliance with accepted analytical techniques and 36652  
procedures established pursuant to Chapter 6109. of the Revised 36653  
Code for determining the qualitative characteristics of water: 36654

microbiological		36655
MMO-MUG	\$2,000	36656
MF	2,100	36657
MMO-MUG and MF	2,550	36658
organic chemical	5,400	36659
trace metals	5,400	36660
standard chemistry	2,800	36661
limited chemistry	1,550	36662

On and after July 1, ~~2008~~ 2010, the following fee, on a per 36663  
survey basis, shall be charged any such person: 36664

microbiological	\$ 1,650	36665
organic chemicals	3,500	36666
trace metals	3,500	36667
standard chemistry	1,800	36668
limited chemistry	1,000	36669

The fee for those services shall be paid at the time the request 36670  
for the survey is made. Through June 30, ~~2008~~ 2010, an individual 36671  
laboratory shall not be assessed a fee under this division more 36672  
than once in any three-year period unless the person requests the 36673  
addition of analytical methods or analysts, in which case the 36674  
person shall pay eighteen hundred dollars for each additional 36675  
survey requested. 36676

As used in division (N)(3) of this section: 36677

- (a) "MF" means microfiltration. 36678
- (b) "MMO" means minimal medium ONPG. 36679
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 36680
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 36681

The director shall transmit all moneys collected under this 36682  
division to the treasurer of state for deposit into the drinking 36683  
water protection fund created in section 6109.30 of the Revised 36684  
Code. 36685

(O) Any person applying to the director for examination for 36686  
certification as an operator of a water supply system or 36687  
wastewater system under Chapter 6109. or 6111. of the Revised 36688  
Code, at the time the application is submitted, shall pay an 36689  
application fee of forty-five dollars through November 30, ~~2008~~ 36690  
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 36691  
Upon approval from the director that the applicant is eligible to 36692  
take the examination therefor, the applicant shall pay a fee in 36693  
accordance with the following schedule through November 30, ~~2008~~ 36694  
2010: 36695

Class A operator	\$35	36696
Class I operator	60	36697
Class II operator	75	36698
Class III operator	85	36699
Class IV operator	100	36700

On and after December 1, ~~2008~~ 2010, the applicant shall pay a 36701  
fee in accordance with the following schedule: 36702

Class A operator	\$25	36703
Class I operator	\$45	36704
Class II operator	55	36705
Class III operator	65	36706
Class IV operator	75	36707

A person shall pay a biennial certification renewal fee for 36708

each applicable class of certification in accordance with the 36709  
following schedule: 36710

Class A operator	\$25	36711
Class I operator	35	36712
Class II operator	45	36713
Class III operator	55	36714
Class IV operator	65	36715

If a certification renewal fee is received by the director 36716  
more than thirty days, but not more than one year after the 36717  
expiration date of the certification, the person shall pay a 36718  
certification renewal fee in accordance with the following 36719  
schedule: 36720

Class A operator	\$45	36721
Class I operator	55	36722
Class II operator	65	36723
Class III operator	75	36724
Class IV operator	85	36725

A person who requests a replacement certificate shall pay a 36726  
fee of twenty-five dollars at the time the request is made. 36727

The director shall transmit all moneys collected under this 36728  
division to the treasurer of state for deposit into the drinking 36729  
water protection fund created in section 6109.30 of the Revised 36730  
Code. 36731

(P) Any person submitting an application for an industrial 36732  
water pollution control certificate under section 6111.31 of the 36733  
Revised Code, as that section existed before its repeal by H.B. 95 36734  
of the 125th general assembly, shall pay a nonrefundable fee of 36735  
five hundred dollars at the time the application is submitted. The 36736  
director shall transmit all moneys collected under this division 36737  
to the treasurer of state for deposit into the surface water 36738  
protection fund created in section 6111.038 of the Revised Code. A 36739  
person paying a certificate fee under this division shall not pay 36740



an application fee under division (S)(1) of this section. On and 36741  
after June 26, 2003, persons shall file such applications and pay 36742  
the fee as required under sections 5709.20 to 5709.27 of the 36743  
Revised Code, and proceeds from the fee shall be credited as 36744  
provided in section 5709.212 of the Revised Code. 36745

(Q) Except as otherwise provided in division (R) of this 36746  
section, a person issued a permit by the director for a new solid 36747  
waste disposal facility other than an incineration or composting 36748  
facility, a new infectious waste treatment facility other than an 36749  
incineration facility, or a modification of such an existing 36750  
facility that includes an increase in the total disposal or 36751  
treatment capacity of the facility pursuant to Chapter 3734. of 36752  
the Revised Code shall pay a fee of ten dollars per thousand cubic 36753  
yards of disposal or treatment capacity, or one thousand dollars, 36754  
whichever is greater, except that the total fee for any such 36755  
permit shall not exceed eighty thousand dollars. A person issued a 36756  
modification of a permit for a solid waste disposal facility or an 36757  
infectious waste treatment facility that does not involve an 36758  
increase in the total disposal or treatment capacity of the 36759  
facility shall pay a fee of one thousand dollars. A person issued 36760  
a permit to install a new, or modify an existing, solid waste 36761  
transfer facility under that chapter shall pay a fee of two 36762  
thousand five hundred dollars. A person issued a permit to install 36763  
a new or to modify an existing solid waste incineration or 36764  
composting facility, or an existing infectious waste treatment 36765  
facility using incineration as its principal method of treatment, 36766  
under that chapter shall pay a fee of one thousand dollars. The 36767  
increases in the permit fees under this division resulting from 36768  
the amendments made by Amended Substitute House Bill 592 of the 36769  
117th general assembly do not apply to any person who submitted an 36770  
application for a permit to install a new, or modify an existing, 36771  
solid waste disposal facility under that chapter prior to 36772  
September 1, 1987; any such person shall pay the permit fee 36773

established in this division as it existed prior to June 24, 1988. 36774  
In addition to the applicable permit fee under this division, a 36775  
person issued a permit to install or modify a solid waste facility 36776  
or an infectious waste treatment facility under that chapter who 36777  
fails to pay the permit fee to the director in compliance with 36778  
division (V) of this section shall pay an additional ten per cent 36779  
of the amount of the fee for each week that the permit fee is 36780  
late. 36781

Permit and late payment fees paid to the director under this 36782  
division shall be credited to the general revenue fund. 36783

(R)(1) A person issued a registration certificate for a scrap 36784  
tire collection facility under section 3734.75 of the Revised Code 36785  
shall pay a fee of two hundred dollars, except that if the 36786  
facility is owned or operated by a motor vehicle salvage dealer 36787  
licensed under Chapter 4738. of the Revised Code, the person shall 36788  
pay a fee of twenty-five dollars. 36789

(2) A person issued a registration certificate for a new 36790  
scrap tire storage facility under section 3734.76 of the Revised 36791  
Code shall pay a fee of three hundred dollars, except that if the 36792  
facility is owned or operated by a motor vehicle salvage dealer 36793  
licensed under Chapter 4738. of the Revised Code, the person shall 36794  
pay a fee of twenty-five dollars. 36795

(3) A person issued a permit for a scrap tire storage 36796  
facility under section 3734.76 of the Revised Code shall pay a fee 36797  
of one thousand dollars, except that if the facility is owned or 36798  
operated by a motor vehicle salvage dealer licensed under Chapter 36799  
4738. of the Revised Code, the person shall pay a fee of fifty 36800  
dollars. 36801

(4) A person issued a permit for a scrap tire monocell or 36802  
monofill facility under section 3734.77 of the Revised Code shall 36803  
pay a fee of ten dollars per thousand cubic yards of disposal 36804

capacity or one thousand dollars, whichever is greater, except 36805  
that the total fee for any such permit shall not exceed eighty 36806  
thousand dollars. 36807

(5) A person issued a registration certificate for a scrap 36808  
tire recovery facility under section 3734.78 of the Revised Code 36809  
shall pay a fee of one hundred dollars. 36810

(6) A person issued a permit for a scrap tire recovery 36811  
facility under section 3734.78 of the Revised Code shall pay a fee 36812  
of one thousand dollars. 36813

(7) In addition to the applicable registration certificate or 36814  
permit fee under divisions (R)(1) to (6) of this section, a person 36815  
issued a registration certificate or permit for any such scrap 36816  
tire facility who fails to pay the registration certificate or 36817  
permit fee to the director in compliance with division (V) of this 36818  
section shall pay an additional ten per cent of the amount of the 36819  
fee for each week that the fee is late. 36820

(8) The registration certificate, permit, and late payment 36821  
fees paid to the director under divisions (R)(1) to (7) of this 36822  
section shall be credited to the scrap tire management fund 36823  
created in section 3734.82 of the Revised Code. 36824

(S)(1) Except as provided by divisions (L), (M), (N), (O), 36825  
(P), and (S)(2) of this section, division (A)(2) of section 36826  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 36827  
and rules adopted under division (T)(1) of this section, any 36828  
person applying for a registration certificate under section 36829  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 36830  
variance, or plan approval under Chapter 3734. of the Revised Code 36831  
shall pay a nonrefundable fee of fifteen dollars at the time the 36832  
application is submitted. 36833

Except as otherwise provided, any person applying for a 36834  
permit, variance, or plan approval under Chapter 6109. or 6111. of 36835

the Revised Code shall pay a nonrefundable fee of one hundred 36836  
dollars at the time the application is submitted through June 30, 36837  
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 36838  
the application is submitted on and after July 1, ~~2008~~ 2010. 36839  
Through June 30, ~~2008~~ 2010, any person applying for a national 36840  
pollutant discharge elimination system permit under Chapter 6111. 36841  
of the Revised Code shall pay a nonrefundable fee of two hundred 36842  
dollars at the time of application for the permit. On and after 36843  
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 36844  
fifteen dollars at the time of application. 36845

In addition to the application fee established under division 36846  
(S)(1) of this section, any person applying for a national 36847  
pollutant discharge elimination system general storm water 36848  
construction permit shall pay a nonrefundable fee of twenty 36849  
dollars per acre for each acre that is permitted above five acres 36850  
at the time the application is submitted. However, the per acreage 36851  
fee shall not exceed three hundred dollars. In addition, any 36852  
person applying for a national pollutant discharge elimination 36853  
system general storm water industrial permit shall pay a 36854  
nonrefundable fee of one hundred fifty dollars at the time the 36855  
application is submitted. 36856

The director shall transmit all moneys collected under 36857  
division (S)(1) of this section pursuant to Chapter 6109. of the 36858  
Revised Code to the treasurer of state for deposit into the 36859  
drinking water protection fund created in section 6109.30 of the 36860  
Revised Code. 36861

The director shall transmit all moneys collected under 36862  
division (S)(1) of this section pursuant to Chapter 6111. of the 36863  
Revised Code to the treasurer of state for deposit into the 36864  
surface water protection fund created in section 6111.038 of the 36865  
Revised Code. 36866

If a registration certificate is issued under section 36867

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 36868  
the application fee paid shall be deducted from the amount of the 36869  
registration certificate fee due under division (R)(1), (2), or 36870  
(5) of this section, as applicable. 36871

If a person submits an electronic application for a 36872  
registration certificate, permit, variance, or plan approval for 36873  
which an application fee is established under division (S)(1) of 36874  
this section, the person shall pay the applicable application fee 36875  
as expeditiously as possible after the submission of the 36876  
electronic application. An application for a registration 36877  
certificate, permit, variance, or plan approval for which an 36878  
application fee is established under division (S)(1) of this 36879  
section shall not be reviewed or processed until the applicable 36880  
application fee, and any other fees established under this 36881  
division, are paid. 36882

(2) Division (S)(1) of this section does not apply to an 36883  
application for a registration certificate for a scrap tire 36884  
collection or storage facility submitted under section 3734.75 or 36885  
3734.76 of the Revised Code, as applicable, if the owner or 36886  
operator of the facility or proposed facility is a motor vehicle 36887  
salvage dealer licensed under Chapter 4738. of the Revised Code. 36888

(T) The director may adopt, amend, and rescind rules in 36889  
accordance with Chapter 119. of the Revised Code that do all of 36890  
the following: 36891

(1) Prescribe fees to be paid by applicants for and holders 36892  
of any license, permit, variance, plan approval, or certification 36893  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 36894  
the Revised Code that are not specifically established in this 36895  
section. The fees shall be designed to defray the cost of 36896  
processing, issuing, revoking, modifying, denying, and enforcing 36897  
the licenses, permits, variances, plan approvals, and 36898  
certifications. 36899

The director shall transmit all moneys collected under rules 36900  
adopted under division (T)(1) of this section pursuant to Chapter 36901  
6109. of the Revised Code to the treasurer of state for deposit 36902  
into the drinking water protection fund created in section 6109.30 36903  
of the Revised Code. 36904

The director shall transmit all moneys collected under rules 36905  
adopted under division (T)(1) of this section pursuant to Chapter 36906  
6111. of the Revised Code to the treasurer of state for deposit 36907  
into the surface water protection fund created in section 6111.038 36908  
of the Revised Code. 36909

(2) Exempt the state and political subdivisions thereof, 36910  
including education facilities or medical facilities owned by the 36911  
state or a political subdivision, or any person exempted from 36912  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 36913  
any fee required by this section; 36914

(3) Provide for the waiver of any fee, or any part thereof, 36915  
otherwise required by this section whenever the director 36916  
determines that the imposition of the fee would constitute an 36917  
unreasonable cost of doing business for any applicant, class of 36918  
applicants, or other person subject to the fee; 36919

(4) Prescribe measures that the director considers necessary 36920  
to carry out this section. 36921

(U) When the director reasonably demonstrates that the direct 36922  
cost to the state associated with the issuance of a permit to 36923  
install, license, variance, plan approval, or certification 36924  
exceeds the fee for the issuance or review specified by this 36925  
section, the director may condition the issuance or review on the 36926  
payment by the person receiving the issuance or review of, in 36927  
addition to the fee specified by this section, the amount, or any 36928  
portion thereof, in excess of the fee specified under this 36929  
section. The director shall not so condition issuances for which 36930

fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section. 36931  
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(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 36933  
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 36942  
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(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 36950  
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(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 36954  
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(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 36957  
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36959

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its 36960  
36961

implementation or enforcement;	36962
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	36963 36964 36965 36966
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	36967 36968 36969
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	36970 36971 36972
(e) Emission and ambient monitoring;	36973
(f) Modeling, analyses, or demonstrations;	36974
(g) Preparing inventories and tracking emissions;	36975
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	36976 36977 36978 36979 36980 36981 36982
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year	36983 36984 36985 36986 36987 36988 36989 36990 36991



preceding the date on which payment of the fee is due. 36992

(2)(a) Except as provided in division (Y)(2)(d) of this 36993  
section, each sewage sludge facility shall pay a minimum annual 36994  
sewage sludge fee of one hundred dollars. 36995

(b) The annual sludge fee required to be paid by a sewage 36996  
sludge facility that treats or disposes of exceptional quality 36997  
sludge in this state shall be thirty-five per cent less per dry 36998  
ton of exceptional quality sludge than the fee assessed under 36999  
division (Y)(1) of this section, subject to the following 37000  
exceptions: 37001

(i) Except as provided in division (Y)(2)(d) of this section, 37002  
a sewage sludge facility that treats or disposes of exceptional 37003  
quality sludge shall pay a minimum annual sewage sludge fee of one 37004  
hundred dollars. 37005

(ii) A sewage sludge facility that treats or disposes of 37006  
exceptional quality sludge shall not be required to pay the annual 37007  
sludge fee for treatment or disposal in this state of exceptional 37008  
quality sludge generated outside of this state and contained in 37009  
bags or other containers not greater than one hundred pounds in 37010  
capacity. 37011

A thirty-five per cent reduction for exceptional quality 37012  
sludge applies to the maximum annual fees established under 37013  
division (Y)(3) of this section. 37014

(c) A sewage sludge facility that transfers sewage sludge to 37015  
another sewage sludge facility in this state for further treatment 37016  
prior to disposal in this state shall not be required to pay the 37017  
annual sludge fee for the tons of sewage sludge that have been 37018  
transferred. In such a case, the sewage sludge facility that 37019  
disposes of the sewage sludge shall pay the annual sludge fee. 37020  
However, the facility transferring the sewage sludge shall pay the 37021  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 37022

of this section. 37023

In the case of a sewage sludge facility that treats sewage 37024  
sludge in this state and transfers it out of this state to another 37025  
entity for disposal, the sewage sludge facility in this state 37026  
shall be required to pay the annual sludge fee for the tons of 37027  
sewage sludge that have been transferred. 37028

(d) A sewage sludge facility that generates sewage sludge 37029  
resulting from an average daily discharge flow of less than five 37030  
thousand gallons per day is not subject to the fees assessed under 37031  
division (Y) of this section. 37032

(3) No sewage sludge facility required to pay the annual 37033  
sludge fee shall be required to pay more than the maximum annual 37034  
fee for each disposal method that the sewage sludge facility uses. 37035  
The maximum annual fee does not include the additional amount that 37036  
may be charged under division (Y)(5) of this section for late 37037  
payment of the annual sludge fee. The maximum annual fee for the 37038  
following methods of disposal of sewage sludge is as follows: 37039

(a) Incineration: five thousand dollars; 37040

(b) Preexisting land reclamation project or disposal in a 37041  
landfill: five thousand dollars; 37042

(c) Land application, land reclamation, surface disposal, or 37043  
any other disposal method not specified in division (Y)(3)(a) or 37044  
(b) of this section: twenty thousand dollars. 37045

(4)(a) In the case of an entity that generates sewage sludge 37046  
or a sewage sludge facility that treats sewage sludge and 37047  
transfers the sewage sludge to an incineration facility for 37048  
disposal, the incineration facility, and not the entity generating 37049  
the sewage sludge or the sewage sludge facility treating the 37050  
sewage sludge, shall pay the annual sludge fee for the tons of 37051  
sewage sludge that are transferred. However, the entity or 37052  
facility generating or treating the sewage sludge shall pay the 37053

one-hundred-dollar minimum fee required under division (Y)(2)(a) 37054  
of this section. 37055

(b) In the case of an entity that generates sewage sludge and 37056  
transfers the sewage sludge to a landfill for disposal or to a 37057  
sewage sludge facility for land reclamation or surface disposal, 37058  
the entity generating the sewage sludge, and not the landfill or 37059  
sewage sludge facility, shall pay the annual sludge fee for the 37060  
tons of sewage sludge that are transferred. 37061

(5) Not later than the first day of April of the calendar 37062  
year following March 17, 2000, and each first day of April 37063  
thereafter, the director shall issue invoices to persons who are 37064  
required to pay the annual sludge fee. The invoice shall identify 37065  
the nature and amount of the annual sludge fee assessed and state 37066  
the first day of May as the deadline for receipt by the director 37067  
of objections regarding the amount of the fee and the first day of 37068  
July as the deadline for payment of the fee. 37069

Not later than the first day of May following receipt of an 37070  
invoice, a person required to pay the annual sludge fee may submit 37071  
objections to the director concerning the accuracy of information 37072  
regarding the number of dry tons of sewage sludge used to 37073  
calculate the amount of the annual sludge fee or regarding whether 37074  
the sewage sludge qualifies for the exceptional quality sludge 37075  
discount established in division (Y)(2)(b) of this section. The 37076  
director may consider the objections and adjust the amount of the 37077  
fee to ensure that it is accurate. 37078

If the director does not adjust the amount of the annual 37079  
sludge fee in response to a person's objections, the person may 37080  
appeal the director's determination in accordance with Chapter 37081  
119. of the Revised Code. 37082

Not later than the first day of June, the director shall 37083  
notify the objecting person regarding whether the director has 37084

found the objections to be valid and the reasons for the finding. 37085  
If the director finds the objections to be valid and adjusts the 37086  
amount of the annual sludge fee accordingly, the director shall 37087  
issue with the notification a new invoice to the person 37088  
identifying the amount of the annual sludge fee assessed and 37089  
stating the first day of July as the deadline for payment. 37090

Not later than the first day of July, any person who is 37091  
required to do so shall pay the annual sludge fee. Any person who 37092  
is required to pay the fee, but who fails to do so on or before 37093  
that date shall pay an additional amount that equals ten per cent 37094  
of the required annual sludge fee. 37095

(6) The director shall transmit all moneys collected under 37096  
division (Y) of this section to the treasurer of state for deposit 37097  
into the surface water protection fund created in section 6111.038 37098  
of the Revised Code. The moneys shall be used to defray the costs 37099  
of administering and enforcing provisions in Chapter 6111. of the 37100  
Revised Code and rules adopted under it that govern the use, 37101  
storage, treatment, or disposal of sewage sludge. 37102

(7) Beginning in fiscal year 2001, and every two years 37103  
thereafter, the director shall review the total amount of moneys 37104  
generated by the annual sludge fees to determine if that amount 37105  
exceeded six hundred thousand dollars in either of the two 37106  
preceding fiscal years. If the total amount of moneys in the fund 37107  
exceeded six hundred thousand dollars in either fiscal year, the 37108  
director, after review of the fee structure and consultation with 37109  
affected persons, shall issue an order reducing the amount of the 37110  
fees levied under division (Y) of this section so that the 37111  
estimated amount of moneys resulting from the fees will not exceed 37112  
six hundred thousand dollars in any fiscal year. 37113

If, upon review of the fees under division (Y)(7) of this 37114  
section and after the fees have been reduced, the director 37115  
determines that the total amount of moneys collected and 37116

accumulated is less than six hundred thousand dollars, the 37117  
director, after review of the fee structure and consultation with 37118  
affected persons, may issue an order increasing the amount of the 37119  
fees levied under division (Y) of this section so that the 37120  
estimated amount of moneys resulting from the fees will be 37121  
approximately six hundred thousand dollars. Fees shall never be 37122  
increased to an amount exceeding the amount specified in division 37123  
(Y)(7) of this section. 37124

Notwithstanding section 119.06 of the Revised Code, the 37125  
director may issue an order under division (Y)(7) of this section 37126  
without the necessity to hold an adjudicatory hearing in 37127  
connection with the order. The issuance of an order under this 37128  
division is not an act or action for purposes of section 3745.04 37129  
of the Revised Code. 37130

(8) As used in division (Y) of this section: 37131

(a) "Sewage sludge facility" means an entity that performs 37132  
treatment on or is responsible for the disposal of sewage sludge. 37133

(b) "Sewage sludge" means a solid, semi-solid, or liquid 37134  
residue generated during the treatment of domestic sewage in a 37135  
treatment works as defined in section 6111.01 of the Revised Code. 37136  
"Sewage sludge" includes, but is not limited to, scum or solids 37137  
removed in primary, secondary, or advanced wastewater treatment 37138  
processes. "Sewage sludge" does not include ash generated during 37139  
the firing of sewage sludge in a sewage sludge incinerator, grit 37140  
and screenings generated during preliminary treatment of domestic 37141  
sewage in a treatment works, animal manure, residue generated 37142  
during treatment of animal manure, or domestic septage. 37143

(c) "Exceptional quality sludge" means sewage sludge that 37144  
meets all of the following qualifications: 37145

(i) Satisfies the class A pathogen standards in 40 C.F.R. 37146  
503.32(a); 37147

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	37148 37149
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	37150 37151
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	37152 37153
(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.	37154 37155 37156
(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.	37157 37158 37159
(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.	37160 37161 37162 37163 37164
(g) "Land reclamation" means the returning of disturbed land to productive use.	37165 37166
(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.	37167 37168 37169 37170
(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.	37171 37172 37173 37174
(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	37175 37176 37177

they are separated by a public road or highway. 37178

(k) "Annual sludge fee" means the fee assessed under division 37179  
(Y)(1) of this section. 37180

(l) "Landfill" means a sanitary landfill facility, as defined 37181  
in rules adopted under section 3734.02 of the Revised Code, that 37182  
is licensed under section 3734.05 of the Revised Code. 37183

(m) "Preexisting land reclamation project" means a 37184  
property-specific land reclamation project that has been in 37185  
continuous operation for not less than five years pursuant to 37186  
approval of the activity by the director and includes the 37187  
implementation of a community outreach program concerning the 37188  
activity. 37189

**Sec. 3767.41.** (A) As used in this section: 37190

(1) "Building" means, except as otherwise provided in this 37191  
division, any building or structure that is used or intended to be 37192  
used for residential purposes. "Building" includes, but is not 37193  
limited to, a building or structure in which any floor is used for 37194  
retail stores, shops, salesrooms, markets, or similar commercial 37195  
uses, or for offices, banks, civic administration activities, 37196  
professional services, or similar business or civic uses, and in 37197  
which the other floors are used, or designed and intended to be 37198  
used, for residential purposes. "Building" does not include any 37199  
building or structure that is occupied by its owner and that 37200  
contains three or fewer residential units. 37201

(2)(a) "Public nuisance" means a building that is a menace to 37202  
the public health, welfare, or safety; that is structurally 37203  
unsafe, unsanitary, or not provided with adequate safe egress; 37204  
that constitutes a fire hazard, is otherwise dangerous to human 37205  
life, or is otherwise no longer fit and habitable; or that, in 37206  
relation to its existing use, constitutes a hazard to the public 37207

health, welfare, or safety by reason of inadequate maintenance, 37208  
dilapidation, obsolescence, or abandonment. 37209

(b) "Public nuisance" as it applies to subsidized housing 37210  
means subsidized housing that fails to meet the following 37211  
standards as specified in the federal rules governing each 37212  
standard: 37213

(i) Each building on the site is structurally sound, secure, 37214  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 37215

(ii) Each building's domestic water, electrical system, 37216  
elevators, emergency power, fire protection, HVAC, and sanitary 37217  
system is free of health and safety hazards, functionally 37218  
adequate, operable, and in good repair, as defined in 24 C.F.R. 37219  
5.703(c); 37220

(iii) Each dwelling unit within the building is structurally 37221  
sound, habitable, and in good repair, and all areas and aspects of 37222  
the dwelling unit are free of health and safety hazards, 37223  
functionally adequate, operable, and in good repair, as defined in 37224  
24 C.F.R. 5.703(d)(1); 37225

(iv) Where applicable, the dwelling unit has hot and cold 37226  
running water, including an adequate source of potable water, as 37227  
defined in 24 C.F.R. 5.703(d)(2); 37228

(v) If the dwelling unit includes its own sanitary facility, 37229  
it is in proper operating condition, usable in privacy, and 37230  
adequate for personal hygiene, and the disposal of human waste, as 37231  
defined in 24 C.F.R. 5.703(d)(3); 37232

(vi) The common areas are structurally sound, secure, and 37233  
functionally adequate for the purposes intended. The basement, 37234  
garage, carport, restrooms, closets, utility, mechanical, 37235  
community rooms, daycare, halls, corridors, stairs, kitchens, 37236  
laundry rooms, office, porch, patio, balcony, and trash collection 37237  
areas are free of health and safety hazards, operable, and in good 37238



repair. All common area ceilings, doors, floors, HVAC, lighting, 37239  
smoke detectors, stairs, walls, and windows, to the extent 37240  
applicable, are free of health and safety hazards, operable, and 37241  
in good repair, as defined in 24 C.F.R. 5.703(e); 37242

(vii) All areas and components of the housing are free of 37243  
health and safety hazards. These areas include, but are not 37244  
limited to, air quality, electrical hazards, elevators, 37245  
emergency/fire exits, flammable materials, garbage and debris, 37246  
handrail hazards, infestation, and lead-based paint, as defined in 37247  
24 C.F.R. 5.703(f). 37248

(3) "Abate" or "abatement" in connection with any building 37249  
means the removal or correction of any conditions that constitute 37250  
a public nuisance and the making of any other improvements that 37251  
are needed to effect a rehabilitation of the building that is 37252  
consistent with maintaining safe and habitable conditions over its 37253  
remaining useful life. "Abatement" does not include the closing or 37254  
boarding up of any building that is found to be a public nuisance. 37255

(4) "Interested party" means any owner, mortgagee, 37256  
lienholder, tenant, or person that possesses an interest of record 37257  
in any property that becomes subject to the jurisdiction of a 37258  
court pursuant to this section, and any applicant for the 37259  
appointment of a receiver pursuant to this section. 37260

(5) "Neighbor" means any owner of property, including, but 37261  
not limited to, any person who is purchasing property by land 37262  
installment contract or under a duly executed purchase contract, 37263  
that is located within five hundred feet of any property that 37264  
becomes subject to the jurisdiction of a court pursuant to this 37265  
section, and any occupant of a building that is so located. 37266

(6) "Tenant" has the same meaning as in section 5321.01 of 37267  
the Revised Code. 37268

(7) "Subsidized housing" means a property consisting of more 37269

than four dwelling units that, in whole or in part, receives 37270  
project-based assistance pursuant to a contract under any of the 37271  
following federal housing programs: 37272

(a) The new construction or substantial rehabilitation 37273  
program under section 8(b)(2) of the "United States Housing Act of 37274  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 37275  
that program was in effect immediately before the first day of 37276  
October, 1983; 37277

(b) The moderate rehabilitation program under section 8(e)(2) 37278  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 37279  
Stat. 888, 42 U.S.C. 1437f(e)(2); 37280

(c) The loan management assistance program under section 8 of 37281  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 37282  
Stat. 888, 42 U.S.C. 1437f; 37283

(d) The rent supplement program under section 101 of the 37284  
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 37285  
79 Stat. 667, 12 U.S.C. 1701s; 37286

(e) Section 8 of the "United States Housing Act of 1937," 37287  
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 37288  
conversion from assistance under section 101 of the "Housing and 37289  
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 37290  
12 U.S.C. 1701s; 37291

(f) The program of supportive housing for the elderly under 37292  
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 37293  
Stat. 654, 12 U.S.C. 1701g; 37294

(g) The program of supportive housing for persons with 37295  
disabilities under section 811 of the "National Affordable Housing 37296  
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 37297

(h) The rental assistance program under section 521 of the 37298  
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 37299

551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 37300  
1490a. 37301

(8) "Project-based assistance" means the assistance is 37302  
attached to the property and provides rental assistance only on 37303  
behalf of tenants who reside in that property. 37304

(9) "Landlord" has the same meaning as in section 5321.01 of 37305  
the Revised Code. 37306

(B)(1)(a) In any civil action to enforce any local building, 37307  
housing, air pollution, sanitation, health, fire, zoning, or 37308  
safety code, ordinance, or regulation applicable to buildings, 37309  
that is commenced in a court of common pleas, municipal court, 37310  
housing or environmental division of a municipal court, or county 37311  
court, or in any civil action for abatement commenced in a court 37312  
of common pleas, municipal court, housing or environmental 37313  
division of a municipal court, or county court, by a municipal 37314  
corporation in which the building involved is located, by any 37315  
neighbor, tenant, or by a nonprofit corporation that is duly 37316  
organized and has as one of its goals the improvement of housing 37317  
conditions in the county or municipal corporation in which the 37318  
building involved is located, if a building is alleged to be a 37319  
public nuisance, the municipal corporation, neighbor, tenant, or 37320  
nonprofit corporation may apply in its complaint for an injunction 37321  
or other order as described in division (C)(1) of this section, or 37322  
for the relief described in division (C)(2) of this section, 37323  
including, if necessary, the appointment of a receiver as 37324  
described in divisions (C)(2) and (3) of this section, or for both 37325  
such an injunction or other order and such relief. The municipal 37326  
corporation, neighbor, tenant, or nonprofit corporation commencing 37327  
the action is not liable for the costs, expenses, and fees of any 37328  
receiver appointed pursuant to divisions (C)(2) and (3) of this 37329  
section. 37330

(b) Prior to commencing a civil action for abatement when the 37331

property alleged to be a public nuisance is subsidized housing, 37332  
the municipal corporation, neighbor, tenant, or nonprofit 37333  
corporation commencing the action shall provide the landlord of 37334  
that property with written notice that specifies one or more 37335  
defective conditions that constitute a public nuisance as that 37336  
term applies to subsidized housing and states that if the landlord 37337  
fails to remedy the condition within sixty days of the service of 37338  
the notice, a claim pursuant to this section may be brought on the 37339  
basis that the property constitutes a public nuisance in 37340  
subsidized housing. Any party authorized to bring an action 37341  
against the landlord shall make reasonable attempts to serve the 37342  
notice in the manner prescribed in the Rules of Civil Procedure to 37343  
the landlord or the landlord's agent for the property at the 37344  
property's management office, or at the place where the tenants 37345  
normally pay or send rent. If the landlord is not the owner of 37346  
record, the party bringing the action shall make a reasonable 37347  
attempt to serve the owner. If the owner does not receive service 37348  
the person bringing the action shall certify the attempts to serve 37349  
the owner. 37350

(2)(a) In a civil action described in division (B)(1) of this 37351  
section, a copy of the complaint and a notice of the date and time 37352  
of a hearing on the complaint shall be served upon the owner of 37353  
the building and all other interested parties in accordance with 37354  
the Rules of Civil Procedure. If certified mail service, personal 37355  
service, or residence service of the complaint and notice is 37356  
refused or certified mail service of the complaint and notice is 37357  
not claimed, and if the municipal corporation, neighbor, tenant, 37358  
or nonprofit corporation commencing the action makes a written 37359  
request for ordinary mail service of the complaint and notice, or 37360  
uses publication service, in accordance with the Rules of Civil 37361  
Procedure, then a copy of the complaint and notice shall be posted 37362  
in a conspicuous place on the building. 37363

(b) The judge in a civil action described in division (B)(1) 37364  
of this section shall conduct a hearing at least twenty-eight days 37365  
after the owner of the building and the other interested parties 37366  
have been served with a copy of the complaint and the notice of 37367  
the date and time of the hearing in accordance with division 37368  
(B)(2)(a) of this section. 37369

(c) In considering whether subsidized housing is a public 37370  
nuisance, the judge shall construe the standards set forth in 37371  
division (A)(2)(b) of this section in a manner consistent with 37372  
department of housing and urban development and judicial 37373  
interpretations of those standards. The judge shall deem that the 37374  
property is not a public nuisance if during the twelve months 37375  
prior to the service of the notice that division (B)(1)(b) of this 37376  
section requires, the department of housing and urban 37377  
development's real estate assessment center issued a score of 37378  
seventy-five or higher out of a possible one hundred points 37379  
pursuant to its regulations governing the physical condition of 37380  
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 37381  
and since the most recent inspection, there has been no 37382  
significant change in the property's conditions that would create 37383  
a serious threat to the health, safety, or welfare of the 37384  
property's tenants. 37385

(C)(1) If the judge in a civil action described in division 37386  
(B)(1) of this section finds at the hearing required by division 37387  
(B)(2) of this section that the building involved is a public 37388  
nuisance, if the judge additionally determines that the owner of 37389  
the building previously has not been afforded a reasonable 37390  
opportunity to abate the public nuisance or has been afforded such 37391  
an opportunity and has not refused or failed to abate the public 37392  
nuisance, and if the complaint of the municipal corporation, 37393  
neighbor, tenant, or nonprofit corporation commencing the action 37394  
requested the issuance of an injunction as described in this 37395

division, then the judge may issue an injunction requiring the 37396  
owner of the building to abate the public nuisance or issue any 37397  
other order that the judge considers necessary or appropriate to 37398  
cause the abatement of the public nuisance. If an injunction is 37399  
issued pursuant to this division, the owner of the building 37400  
involved shall be given no more than thirty days from the date of 37401  
the entry of the judge's order to comply with the injunction, 37402  
unless the judge, for good cause shown, extends the time for 37403  
compliance. 37404

(2) If the judge in a civil action described in division 37405  
(B)(1) of this section finds at the hearing required by division 37406  
(B)(2) of this section that the building involved is a public 37407  
nuisance, if the judge additionally determines that the owner of 37408  
the building previously has been afforded a reasonable opportunity 37409  
to abate the public nuisance and has refused or failed to do so, 37410  
and if the complaint of the municipal corporation, neighbor, 37411  
tenant, or nonprofit corporation commencing the action requested 37412  
relief as described in this division, then the judge shall offer 37413  
any mortgagee, lienholder, or other interested party associated 37414  
with the property on which the building is located, in the order 37415  
of the priority of interest in title, the opportunity to undertake 37416  
the work and to furnish the materials necessary to abate the 37417  
public nuisance. Prior to selecting any interested party, the 37418  
judge shall require the interested party to demonstrate the 37419  
ability to promptly undertake the work and furnish the materials 37420  
required, to provide the judge with a viable financial and 37421  
construction plan for the rehabilitation of the building as 37422  
described in division (D) of this section, and to post security 37423  
for the performance of the work and the furnishing of the 37424  
materials. 37425

If the judge determines, at the hearing, that no interested 37426  
party is willing or able to undertake the work and to furnish the 37427

materials necessary to abate the public nuisance, or if the judge 37428  
determines, at any time after the hearing, that any party who is 37429  
undertaking corrective work pursuant to this division cannot or 37430  
will not proceed, or has not proceeded with due diligence, the 37431  
judge may appoint a receiver pursuant to division (C)(3) of this 37432  
section to take possession and control of the building. 37433

(3)(a) The judge in a civil action described in division 37434  
(B)(1) of this section shall not appoint any person as a receiver 37435  
unless the person first has provided the judge with a viable 37436  
financial and construction plan for the rehabilitation of the 37437  
building involved as described in division (D) of this section and 37438  
has demonstrated the capacity and expertise to perform the 37439  
required work and to furnish the required materials in a 37440  
satisfactory manner. An appointed receiver may be a financial 37441  
institution that possesses an interest of record in the building 37442  
or the property on which it is located, a nonprofit corporation as 37443  
described in divisions (B)(1) and (C)(3)(b) of this section, 37444  
including, but not limited to, a nonprofit corporation that 37445  
commenced the action described in division (B)(1) of this section, 37446  
or any other qualified property manager. 37447

(b) To be eligible for appointment as a receiver, no part of 37448  
the net earnings of a nonprofit corporation shall inure to the 37449  
benefit of any private shareholder or individual. Membership on 37450  
the board of trustees of a nonprofit corporation appointed as a 37451  
receiver does not constitute the holding of a public office or 37452  
employment within the meaning of sections 731.02 and 731.12 or any 37453  
other section of the Revised Code and does not constitute a direct 37454  
or indirect interest in a contract or expenditure of money by any 37455  
municipal corporation. A member of a board of trustees of a 37456  
nonprofit corporation appointed as a receiver shall not be 37457  
disqualified from holding any public office or employment, and 37458  
shall not forfeit any public office or employment, by reason of 37459

~~his~~ membership on the board of trustees, notwithstanding any law 37460  
to the contrary. 37461

(D) Prior to ordering any work to be undertaken, or the 37462  
furnishing of any materials, to abate a public nuisance under this 37463  
section, the judge in a civil action described in division (B)(1) 37464  
of this section shall review the submitted financial and 37465  
construction plan for the rehabilitation of the building involved 37466  
and, if it specifies all of the following, shall approve that 37467  
plan: 37468

(1) The estimated cost of the labor, materials, and any other 37469  
development costs that are required to abate the public nuisance; 37470

(2) The estimated income and expenses of the building and the 37471  
property on which it is located after the furnishing of the 37472  
materials and the completion of the repairs and improvements; 37473

(3) The terms, conditions, and availability of any financing 37474  
that is necessary to perform the work and to furnish the 37475  
materials; 37476

(4) If repair and rehabilitation of the building are found 37477  
not to be feasible, the cost of demolition of the building or of 37478  
the portions of the building that constitute the public nuisance. 37479

(E) Upon the written request of any of the interested parties 37480  
to have a building, or portions of a building, that constitute a 37481  
public nuisance demolished because repair and rehabilitation of 37482  
the building are found not to be feasible, the judge may order the 37483  
demolition. However, the demolition shall not be ordered unless 37484  
the requesting interested parties have paid the costs of 37485  
demolition and, if any, of the receivership, and, if any, all 37486  
notes, certificates, mortgages, and fees of the receivership. 37487

(F) Before proceeding with ~~his~~ the duties of receiver, any 37488  
receiver appointed by the judge in a civil action described in 37489  
division (B)(1) of this section may be required by the judge to 37490



post a bond in an amount fixed by the judge, but not exceeding the 37491  
value of the building involved as determined by the judge. 37492

The judge may empower the receiver to do any or all of the 37493  
following: 37494

(1) Take possession and control of the building and the 37495  
property on which it is located, operate and manage the building 37496  
and the property, establish and collect rents and income, lease 37497  
and rent the building and the property, and evict tenants; 37498

(2) Pay all expenses of operating and conserving the building 37499  
and the property, including, but not limited to, the cost of 37500  
electricity, gas, water, sewerage, heating fuel, repairs and 37501  
supplies, custodian services, taxes and assessments, and insurance 37502  
premiums, and hire and pay reasonable compensation to a managing 37503  
agent; 37504

(3) Pay pre-receivership mortgages or installments of them 37505  
and other liens; 37506

(4) Perform or enter into contracts for the performance of 37507  
all work and the furnishing of materials necessary to abate, and 37508  
obtain financing for the abatement of, the public nuisance; 37509

(5) Pursuant to court order, remove and dispose of any 37510  
personal property abandoned, stored, or otherwise located in or on 37511  
the building and the property that creates a dangerous or unsafe 37512  
condition or that constitutes a violation of any local building, 37513  
housing, air pollution, sanitation, health, fire, zoning, or 37514  
safety code, ordinance, or regulation; 37515

(6) Obtain mortgage insurance for any receiver's mortgage 37516  
from any agency of the federal government; 37517

(7) Enter into any agreement and do those things necessary to 37518  
maintain and preserve the building and the property and comply 37519  
with all local building, housing, air pollution, sanitation, 37520

health, fire, zoning, or safety codes, ordinances, and 37521  
regulations; 37522

(8) Give the custody of the building and the property, and 37523  
the opportunity to abate the nuisance and operate the property, to 37524  
its owner or any mortgagee or lienholder of record; 37525

(9) Issue notes and secure them by a mortgage bearing 37526  
interest, and upon terms and conditions, that the judge approves. 37527  
When sold or transferred by the receiver in return for valuable 37528  
consideration in money, material, labor, or services, the notes or 37529  
certificates shall be freely transferable. Any mortgages granted 37530  
by the receiver shall be superior to any claims of the receiver. 37531  
Priority among the receiver's mortgages shall be determined by the 37532  
order in which they are recorded. 37533

(G) A receiver appointed pursuant to this section is not 37534  
personally liable except for misfeasance, malfeasance, or 37535  
nonfeasance in the performance of the functions of ~~his~~ the office 37536  
of receiver. 37537

(H)(1) The judge in a civil action described in division 37538  
(B)(1) of this section may assess as court costs, the expenses 37539  
described in division (F)(2) of this section, and may approve 37540  
receiver's fees to the extent that they are not covered by the 37541  
income from the property. Subject to that limitation, a receiver 37542  
appointed pursuant to divisions (C)(2) and (3) of this section is 37543  
entitled to receive fees in the same manner and to the same extent 37544  
as receivers appointed in actions to foreclose mortgages. 37545

(2)(a) Pursuant to the police powers vested in the state, all 37546  
expenditures of a mortgagee, lienholder, or other interested party 37547  
that has been selected pursuant to division (C)(2) of this section 37548  
to undertake the work and to furnish the materials necessary to 37549  
abate a public nuisance, and any expenditures in connection with 37550  
the foreclosure of the lien created by this division, is a first 37551

lien upon the building involved and the property on which it is 37552  
located and is superior to all prior and subsequent liens or other 37553  
encumbrances associated with the building or the property, 37554  
including, but not limited to, those for taxes and assessments, 37555  
upon the occurrence of both of the following: 37556

(i) The prior approval of the expenditures by, and the entry 37557  
of a judgment to that effect by, the judge in the civil action 37558  
described in division (B)(1) of this section; 37559

(ii) The recordation of a certified copy of the judgment 37560  
entry and a sufficient description of the property on which the 37561  
building is located with the county recorder in the county in 37562  
which the property is located within sixty days after the date of 37563  
the entry of the judgment. 37564

(b) Pursuant to the police powers vested in the state, all 37565  
expenses and other amounts paid in accordance with division (F) of 37566  
this section by a receiver appointed pursuant to divisions (C)(2) 37567  
and (3) of this section, the amounts of any notes issued by the 37568  
receiver in accordance with division (F) of this section, all 37569  
mortgages granted by the receiver in accordance with that 37570  
division, the fees of the receiver approved pursuant to division 37571  
(H)(1) of this section, and any amounts expended in connection 37572  
with the foreclosure of a mortgage granted by the receiver in 37573  
accordance with division (F) of this section or with the 37574  
foreclosure of the lien created by this division, are a first lien 37575  
upon the building involved and the property on which it is located 37576  
and are superior to all prior and subsequent liens or other 37577  
encumbrances associated with the building or the property, 37578  
including, but not limited to, those for taxes and assessments, 37579  
upon the occurrence of both of the following: 37580

(i) The approval of the expenses, amounts, or fees by, and 37581  
the entry of a judgment to that effect by, the judge in the civil 37582  
action described in division (B)(1) of this section; or the 37583

approval of the mortgages in accordance with division (F)(9) of 37584  
this section by, and the entry of a judgment to that effect by, 37585  
that judge; 37586

(ii) The recordation of a certified copy of the judgment 37587  
entry and a sufficient description of the property on which the 37588  
building is located, or, in the case of a mortgage, the 37589  
recordation of the mortgage, a certified copy of the judgment 37590  
entry, and such a description, with the county recorder of the 37591  
county in which the property is located within sixty days after 37592  
the date of the entry of the judgment. 37593

(c) Priority among the liens described in divisions (H)(2)(a) 37594  
and (b) of this section shall be determined as described in 37595  
division (I) of this section. Additionally, the creation pursuant 37596  
to this section of a mortgage lien that is prior to or superior to 37597  
any mortgage of record at the time the mortgage lien is so 37598  
created, does not disqualify the mortgage of record as a legal 37599  
investment under Chapter 1107. or 1151. or any other chapter of 37600  
the Revised Code. 37601

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 37602  
and (3) of this section files with the judge in the civil action 37603  
described in division (B)(1) of this section a report indicating 37604  
that the public nuisance has been abated, if the judge confirms 37605  
that the receiver has abated the public nuisance, and if the 37606  
receiver or any interested party requests the judge to enter an 37607  
order directing the receiver to sell the building and the property 37608  
on which it is located, the judge may enter that order after 37609  
holding a hearing as described in division (I)(2) of this section 37610  
and otherwise complying with that division. 37611

(2)(a) The receiver or interested party requesting an order 37612  
as described in division (I)(1) of this section shall cause a 37613  
notice of the date and time of a hearing on the request to be 37614  
served on the owner of the building involved and all other 37615

interested parties in accordance with division (B)(2)(a) of this 37616  
section. The judge in the civil action described in division 37617  
(B)(1) of this section shall conduct the scheduled hearing. At the 37618  
hearing, if the owner or any interested party objects to the sale 37619  
of the building and the property, the burden of proof shall be 37620  
upon the objecting person to establish, by a preponderance of the 37621  
evidence, that the benefits of not selling the building and the 37622  
property outweigh the benefits of selling them. If the judge 37623  
determines that there is no objecting person, or if the judge 37624  
determines that there is one or more objecting persons but no 37625  
objecting person has sustained the burden of proof specified in 37626  
this division, the judge may enter an order directing the receiver 37627  
to offer the building and the property for sale upon terms and 37628  
conditions that the judge shall specify. 37629

(b) In any sale of subsidized housing that is ordered 37630  
pursuant to this section, the judge shall specify that the 37631  
subsidized housing not be conveyed unless that conveyance complies 37632  
with applicable federal law and applicable program contracts for 37633  
that housing. Any such conveyance shall be subject to the 37634  
condition that the purchaser enter into a contract with the 37635  
department of housing and urban development or the rural housing 37636  
service of the federal department of agriculture under which the 37637  
property continues to be subsidized housing and the owner 37638  
continues to operate that property as subsidized housing unless 37639  
the secretary of housing and urban development or the 37640  
administrator of the rural housing service terminates that 37641  
property's contract prior to or upon the conveyance of the 37642  
property. 37643

(3) If a sale of a building and the property on which it is 37644  
located is ordered pursuant to divisions (I)(1) and (2) of this 37645  
section and if the sale occurs in accordance with the terms and 37646  
conditions specified by the judge in ~~his~~ the judge's order of 37647

sale, then the receiver shall distribute the proceeds of the sale 37648  
and the balance of any funds that the receiver may possess, after 37649  
the payment of the costs of the sale, in the following order of 37650  
priority and in the described manner: 37651

(a) First, in satisfaction of any notes issued by the 37652  
receiver pursuant to division (F) of this section, in their order 37653  
of priority; 37654

(b) Second, any unreimbursed expenses and other amounts paid 37655  
in accordance with division (F) of this section by the receiver, 37656  
and the fees of the receiver approved pursuant to division (H)(1) 37657  
of this section; 37658

(c) Third, all expenditures of a mortgagee, lienholder, or 37659  
other interested party that has been selected pursuant to division 37660  
(C)(2) of this section to undertake the work and to furnish the 37661  
materials necessary to abate a public nuisance, provided that the 37662  
expenditures were approved as described in division (H)(2)(a) of 37663  
this section and provided that, if any such interested party 37664  
subsequently became the receiver, its expenditures shall be paid 37665  
prior to the expenditures of any of the other interested parties 37666  
so selected; 37667

(d) Fourth, the amount due for delinquent taxes, assessments, 37668  
charges, penalties, and interest owed to this state or a political 37669  
subdivision of this state, provided that, if the amount available 37670  
for distribution pursuant to division (I)(3)(d) of this section is 37671  
insufficient to pay the entire amount of those taxes, assessments, 37672  
charges, penalties, and interest, the proceeds and remaining funds 37673  
shall be paid to each claimant in proportion to the amount of 37674  
those taxes, assessments, charges, penalties, and interest that 37675  
each is due. 37676

(e) The amount of any pre-receivership mortgages, liens, or 37677  
other encumbrances, in their order of priority. 37678

(4) Following a distribution in accordance with division 37679  
(I)(3) of this section, the receiver shall request the judge in 37680  
the civil action described in division (B)(1) of this section to 37681  
enter an order terminating the receivership. If the judge 37682  
determines that the sale of the building and the property on which 37683  
it is located occurred in accordance with the terms and conditions 37684  
specified by the judge in ~~his~~ the judge's order of sale under 37685  
division (I)(2) of this section and that the receiver distributed 37686  
the proceeds of the sale and the balance of any funds that the 37687  
receiver possessed, after the payment of the costs of the sale, in 37688  
accordance with division (I)(3) of this section, and if the judge 37689  
approves any final accounting required of the receiver, the judge 37690  
may terminate the receivership. 37691

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 37692  
(3) of this section may be discharged at any time in the 37693  
discretion of the judge in the civil action described in division 37694  
(B)(1) of this section. The receiver shall be discharged by the 37695  
judge as provided in division (I)(4) of this section, or when all 37696  
of the following have occurred: 37697

(a) The public nuisance has been abated; 37698

(b) All costs, expenses, and approved fees of the 37699  
receivership have been paid; 37700

(c) Either all receiver's notes issued and mortgages granted 37701  
pursuant to this section have been paid, or all the holders of the 37702  
notes and mortgages request that the receiver be discharged. 37703

(2) If a judge in a civil action described in division (B)(1) 37704  
of this section determines that, and enters of record a 37705  
declaration that, a public nuisance has been abated by a receiver, 37706  
and if, within three days after the entry of the declaration, all 37707  
costs, expenses, and approved fees of the receivership have not 37708  
been paid in full, then, in addition to the circumstances 37709

specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser and shall be free and clear of all liens for delinquent taxes, assessments, charges, penalties, and interest owed to this state or any political subdivision of this state, that could not be satisfied from the proceeds of the sale and the remaining funds in the receiver's possession pursuant to the distribution under division (I)(3) of this section. All other liens and encumbrances with respect to the building and the property shall survive the sale, including, but not limited to, a federal tax lien notice properly filed in accordance with section 317.09 of the Revised Code prior to the time of the sale, and the easements and covenants of record running with the property that were created prior to the time of the sale.

(L)(1) Nothing in this section shall be construed as a limitation upon the powers granted to a court of common pleas, a municipal court or a housing or environmental division of a municipal court under Chapter 1901. of the Revised Code, or a county court under Chapter 1907. of the Revised Code.

(2) The monetary and other limitations specified in Chapters 1901. and 1907. of the Revised Code upon the jurisdiction of municipal and county courts, and of housing or environmental divisions of municipal courts, in civil actions do not operate as limitations upon any of the following:

(a) 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;	37742 37743
(b) Any notes issued by a receiver pursuant to division (F) of this section;	37744 37745
(c) Any mortgage granted by a receiver in accordance with division (F) of this section;	37746 37747
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	37748 37749 37750
(e) The enforcement of an order of a judge entered pursuant to this section;	37751 37752
(f) The actions that may be taken pursuant to this section by a receiver or 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.	37753 37754 37755 37756 37757
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	37758 37759 37760 37761
<b>Sec. 3769.087.</b> (A) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code, each permit holder shall retain an additional amount equal to four per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show, of which amount retained an amount equal to three per cent of the total of all moneys wagered on each racing day on those pools shall be paid by check, draft, or money order to the tax commissioner, as a tax. Subject to the restrictions contained in divisions (B), (C), and (M) of section 3769.08 of the	37762 37763 37764 37765 37766 37767 37768 37769 37770 37771

Revised Code, from such additional moneys paid to the tax commissioner: 37772  
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(1) Four-sixths shall be allocated to fund distribution as provided in division (M) of section 3769.08 of the Revised Code. 37774  
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(2) One-twelfth shall be paid into the Ohio fairs fund created by section 3769.082 of the Revised Code. 37776  
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(3) One-twelfth of the additional moneys paid to the tax commissioner by thoroughbred racing permit holders shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code. 37778  
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(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code. 37782  
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(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code. 37786  
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(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. 37790  
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The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half. 37792  
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(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit 37798  
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holder shall retain an additional amount equal to one-half of one 37802  
per cent of the total of all moneys wagered on each racing day on 37803  
all wagering pools other than win, place, and show. ~~Except as~~ 37804  
~~provided in division (C) of this section, from the~~ The additional 37805  
amount retained under this division, ~~each permit holder shall~~ 37806  
~~retain an amount equal to one quarter of one per cent of the total~~ 37807  
~~of all moneys wagered on each racing day on all pools other than~~ 37808  
~~win, place, and show and shall pay that amount~~ shall be paid by 37809  
check, draft, or money order to the tax commissioner, as a tax. 37810  
The tax commissioner shall pay the amount of the tax received 37811  
under this division to the state racing commission operating fund 37812  
created by section 3769.03 of the Revised Code. 37813

~~Except as provided in division (C) of this section, the~~ 37814  
~~remaining one quarter of one per cent that is retained from the~~ 37815  
~~total of all moneys wagered on each racing day on all pools other~~ 37816  
~~than win, place, and show shall be retained by the permit holder,~~ 37817  
~~and the permit holder shall use one half for purse money and~~ 37818  
~~retain one half.~~ 37819

~~(C) During the period commencing on July 1, 2006, and ending~~ 37820  
~~on and including June 30, 2007, the additional amount retained by~~ 37821  
~~each permit holder under division (B) of this section shall be~~ 37822  
~~paid by check, draft, or money order to the tax commissioner, as a~~ 37823  
~~tax. The tax commissioner shall pay the amount of the tax received~~ 37824  
~~under this division to the state racing commission operating fund~~ 37825  
~~created by section 3769.03 of the Revised Code.~~ 37826

**Sec. 3770.03.** (A) The state lottery commission shall 37827  
promulgate rules under which a statewide lottery may be conducted. 37828  
The rules shall be promulgated pursuant to Chapter 119. of the 37829  
Revised Code, except that instant game rules shall be promulgated 37830  
pursuant to section 111.15 of the Revised Code but are not subject 37831  
to division (D) of that section. Subjects covered in these rules 37832

shall include, but need not be limited to, the following: 37833

(1) The type of lottery to be conducted; 37834

(2) The prices of tickets in the lottery~~†~~. No rule shall set a price that exceeds twenty dollars to purchase an individual lottery ticket. 37835  
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(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. 37838  
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(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following: 37843  
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(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq. 37849  
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(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(C) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of

advertising displayed on lottery tickets and on those other items 37896  
shall be considered, for purposes of section 3770.06 of the 37897  
Revised Code, to be related proceeds in connection with the 37898  
statewide lottery or gross proceeds from statewide joint lottery 37899  
games, as applicable. 37900

(D)(1) The commission shall meet with the director at least 37901  
once each month and shall convene other meetings at the request of 37902  
the chairperson or any five of the members. No action taken by the 37903  
commission shall be binding unless at least five of the members 37904  
present vote in favor of the action. A written record shall be 37905  
made of the proceedings of each meeting and shall be transmitted 37906  
forthwith to the governor, the president of the senate, the senate 37907  
minority leader, the speaker of the house of representatives, and 37908  
the house minority leader. 37909

(2) The director shall present to the commission a report 37910  
each month, showing the total revenues, prize disbursements, and 37911  
operating expenses of the state lottery for the preceding month. 37912  
As soon as practicable after the end of each fiscal year, the 37913  
commission shall prepare and transmit to the governor and the 37914  
general assembly a report of lottery revenues, prize 37915  
disbursements, and operating expenses for the preceding fiscal 37916  
year and any recommendations for legislation considered necessary 37917  
by the commission. 37918

**Sec. 3770.06.** (A) There is hereby created the state lottery 37919  
gross revenue fund, which shall be in the custody of the treasurer 37920  
of state but shall not be part of the state treasury. All gross 37921  
revenues received from sales of lottery tickets, fines, fees, and 37922  
related proceeds in connection with the statewide lottery and all 37923  
gross proceeds from statewide joint lottery games shall be 37924  
deposited into the fund. The treasurer of state shall invest any 37925  
portion of the fund not needed for immediate use in the same 37926

manner as, and subject to all provisions of law with respect to 37927  
the investment of, state funds. The treasurer of state shall 37928  
disburse money from the fund on order of the director of the state 37929  
lottery commission or the director's designee. 37930

Except for gross proceeds from statewide joint lottery games, 37931  
all revenues of the state lottery gross revenue fund that are not 37932  
paid to holders of winning lottery tickets, that are not required 37933  
to meet short-term prize liabilities, that are not credited to 37934  
lottery sales agents in the form of bonuses, commissions, or 37935  
reimbursements, that are not paid to financial institutions to 37936  
reimburse those institutions for sales agent nonsufficient funds, 37937  
and that are collected from sales agents for remittance to 37938  
insurers under contract to provide sales agent bonding services 37939  
shall be transferred to the state lottery fund, which is hereby 37940  
created in the state treasury. In addition, all revenues of the 37941  
state lottery gross revenue fund that represent the gross proceeds 37942  
from the statewide joint lottery games and that are not paid to 37943  
holders of winning lottery tickets, that are not required to meet 37944  
short-term prize liabilities, that are not credited to lottery 37945  
sales agents in the form of bonuses, commissions, or 37946  
reimbursements, and that are not necessary to cover operating 37947  
expenses associated with those games or to otherwise comply with 37948  
the agreements signed by the governor that the director enters 37949  
into under division (J) of section 3770.02 of the Revised Code or 37950  
the rules the commission adopts under division (B)(5) of section 37951  
3770.03 of the Revised Code shall be transferred to the state 37952  
lottery fund. All investment earnings of the fund shall be 37953  
credited to the fund. Moneys shall be disbursed from the fund 37954  
pursuant to vouchers approved by the director. Total disbursements 37955  
for monetary prize awards to holders of winning lottery tickets in 37956  
connection with the statewide lottery and purchases of goods and 37957  
services awarded as prizes to holders of winning lottery tickets 37958  
shall be of an amount equal to at least fifty per cent of the 37959

total revenue accruing from the sale of lottery tickets. 37960

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 37961  
there is hereby established in the state treasury the lottery 37962  
profits education fund. Whenever, in the judgment of the director 37963  
of budget and management, the amount to the credit of the state 37964  
lottery fund that does not represent proceeds from statewide joint 37965  
lottery games is in excess of that needed to meet the maturing 37966  
obligations of the commission and as working capital for its 37967  
further operations, the director shall transfer the excess to the 37968  
lottery profits education fund in connection with the statewide 37969  
lottery. In addition, whenever, in the judgment of the director of 37970  
budget and management, the amount to the credit of the state 37971  
lottery fund that represents proceeds from statewide joint lottery 37972  
games equals the entire net proceeds of those games as described 37973  
in division (B)(5) of section 3770.03 of the Revised Code and the 37974  
rules adopted under that division, the director shall transfer 37975  
those proceeds to the lottery profits education fund. There shall 37976  
also be credited to the fund any repayments of moneys loaned from 37977  
the educational excellence investment fund. Investment earnings of 37978  
the lottery profits education fund shall be credited to the fund. 37979

The lottery profits education fund shall be used solely for 37980  
the support of elementary, secondary, vocational, and special 37981  
education programs as determined in appropriations made by the 37982  
general assembly, or as provided in applicable bond proceedings 37983  
for the payment of debt service on obligations issued to pay costs 37984  
of capital facilities, including those for a system of common 37985  
schools throughout the state pursuant to section 2n of Article 37986  
VIII, Ohio Constitution. When determining the availability of 37987  
money in the lottery profits education fund, the director of 37988  
budget and management may consider all balances and estimated 37989  
revenues of the fund. 37990

~~From the amounts that the director of budget and management~~ 37991



~~transfers in any fiscal year from the state lottery fund to the 37992  
lottery profits education fund, the director shall transfer the 37993  
initial ten million dollars of those amounts from the lottery 37994  
profits education fund to the school building program bond service 37995  
fund created in division (Q) of section 3318.26 of the Revised 37996  
Code to be pledged for the purpose of paying bond service charges 37997  
as defined in division (C) of section 3318.21 of the Revised Code 37998  
on one or more issuances of obligations, which obligations are 37999  
issued to provide moneys for the school building program 38000  
assistance fund created in section 3318.25 of the Revised Code. 38001~~

(C) There is hereby established in the state treasury the 38002  
deferred prizes trust fund. With the approval of the director of 38003  
budget and management, an amount sufficient to fund annuity prizes 38004  
shall be transferred from the state lottery fund and credited to 38005  
the trust fund. The treasurer of state shall credit all earnings 38006  
arising from investments purchased under this division to the 38007  
trust fund. Within sixty days after the end of each fiscal year, 38008  
the treasurer of state shall certify to the director of budget and 38009  
management whether the actuarial amount of the trust fund is 38010  
sufficient over the fund's life for continued funding of all 38011  
remaining deferred prize liabilities as of the last day of the 38012  
fiscal year just ended. Also, within that sixty days, the director 38013  
of budget and management shall certify the amount of investment 38014  
earnings necessary to have been credited to the trust fund during 38015  
the fiscal year just ending to provide for such continued funding 38016  
of deferred prizes. Any earnings credited in excess of ~~this~~ the 38017  
latter certified amount shall be transferred to the lottery 38018  
profits education fund. 38019

To provide all or a part of the amounts necessary to fund 38020  
deferred prizes awarded by the commission in connection with the 38021  
statewide lottery, the treasurer of state, in consultation with 38022  
the commission, may invest moneys contained in the deferred prizes 38023

trust fund which represents proceeds from the statewide lottery in 38024  
obligations of the type permitted for the investment of state 38025  
funds but whose maturities are thirty years or less. 38026  
Notwithstanding the requirements of any other section of the 38027  
Revised Code, to provide all or part of the amounts necessary to 38028  
fund deferred prizes awarded by the commission in connection with 38029  
statewide joint lottery games, the treasurer of state, in 38030  
consultation with the commission, may invest moneys in the trust 38031  
fund which represent proceeds derived from the statewide joint 38032  
lottery games in accordance with the rules the commission adopts 38033  
under division (B)(5) of section 3770.03 of the Revised Code. 38034  
Investments of the trust fund are not subject to the provisions of 38035  
division (A)(10) of section 135.143 of the Revised Code limiting 38036  
to twenty-five per cent the amount of the state's total average 38037  
portfolio that may be invested in debt interests and limiting to 38038  
one-half of one per cent the amount that may be invested in debt 38039  
interests of a single issuer. 38040

All purchases made under this division shall be effected on a 38041  
delivery versus payment method and shall be in the custody of the 38042  
treasurer of state. 38043

The treasurer of state may retain an investment advisor, if 38044  
necessary. The commission shall pay any costs incurred by the 38045  
treasurer of state in retaining an investment advisor. 38046

(D) The auditor of state shall conduct annual audits of all 38047  
funds and any other audits as the auditor of state or the general 38048  
assembly considers necessary. The auditor of state may examine all 38049  
records, files, and other documents of the commission, and records 38050  
of lottery sales agents that pertain to their activities as 38051  
agents, for purposes of conducting authorized audits. 38052

The state lottery commission shall establish an internal 38053  
audit program before the beginning of each fiscal year, subject to 38054  
the approval of the auditor of state. At the end of each fiscal 38055

year, the commission shall prepare and submit an annual report to 38056  
the auditor of state for the auditor of state's review and 38057  
approval, specifying the internal audit work completed by the end 38058  
of that fiscal year and reporting on compliance with the annual 38059  
internal audit program. The form and content of the report shall 38060  
be prescribed by the auditor of state under division (C) of 38061  
section 117.20 of the Revised Code. 38062

(E) Whenever, in the judgment of the director of budget and 38063  
management, an amount of net state lottery proceeds is necessary 38064  
to be applied to the payment of debt service on obligations, all 38065  
as defined in sections 151.01 and 151.03 of the Revised Code, the 38066  
director shall transfer that amount directly from the state 38067  
lottery fund or from the lottery profits education fund to the 38068  
bond service fund defined in those sections. The provisions of 38069  
this division are subject to any prior pledges or obligation of 38070  
those amounts to the payment of bond service charges as defined in 38071  
division (C) of section 3318.21 of the Revised Code, as referred 38072  
to in division (B) of this section. 38073

**Sec. 3905.36.** (A) Except as provided in divisions (B) and (C) 38074  
of this section, every insured association, company, corporation, 38075  
or other person that enters, directly or indirectly, into any 38076  
agreements with any insurance company, association, individual, 38077  
firm, underwriter, or Lloyd's, not authorized to do business in 38078  
this state, whereby the insured shall procure, continue, or renew 38079  
contracts of insurance covering subjects of insurance resident, 38080  
located, or to be performed within this state, with such 38081  
unauthorized insurance company, association, individual, firm, 38082  
underwriter, or Lloyd's, for which insurance there is a gross 38083  
premium, membership fee, assessment, dues, or other consideration 38084  
charged or collected, shall annually, on or before the 38085  
thirty-first day of January, return to the superintendent of 38086  
insurance a statement under oath showing the name and address of 38087

the insured, name and address of the insurer, subject of the 38088  
insurance, general description of the coverage, and amount of 38089  
gross premium, fee, assessment, dues, or other consideration for 38090  
such insurance for the preceding twelve-month period and shall at 38091  
the same time pay to the treasurer of state a tax of five per cent 38092  
of such gross premium, fee, assessment, dues, or other 38093  
consideration, after a deduction for return premium, if any, as 38094  
calculated on a form prescribed by the treasurer of state. All 38095  
taxes collected under this section by the treasurer of state shall 38096  
be paid into the general revenue fund. If the tax is not paid when 38097  
due, the tax shall be increased by a penalty of twenty-five per 38098  
cent. An interest charge computed as set forth in section 5725.221 38099  
of the Revised Code shall be made on the entire sum of the tax 38100  
plus penalty, which interest shall be computed from the date the 38101  
tax is due until it is paid. For purposes of this section, payment 38102  
is considered made when it is received by the treasurer of state, 38103  
irrespective of any United States postal service marking or other 38104  
stamp or mark indicating the date on which the payment may have 38105  
been mailed. 38106

(B) This section does not apply to: 38107

(1) Transactions in this state involving a policy solicited, 38108  
written, and delivered outside this state covering only subjects 38109  
of insurance not resident, located, or to be performed in this 38110  
state at the time of issuance, provided such transactions are 38111  
subsequent to the issuance of the policy; 38112

(2) Attorneys-at-law acting on behalf of their clients in the 38113  
adjustment of claims or losses; 38114

(3) Transactions involving policies issued by a captive 38115  
insurer. For this purpose, a "captive insurer" means any of the 38116  
following: 38117

(a) An insurer owned by one or more individuals or 38118

organizations, whose exclusive purpose is to insure risks of one 38119  
or more of the parent organizations or individual owners and risks 38120  
of one or more affiliates of the parent organizations or 38121  
individual owners; 38122

(b) In the case of groups and associations, insurers owned by 38123  
the group or association whose exclusive purpose is to insure 38124  
risks of members of the group or association and affiliates of the 38125  
members; 38126

(c) Other types of insurers, licensed and operated in 38127  
accordance with the captive insurance laws of their jurisdictions 38128  
of domicile and operated in a manner so as to self-insure risks of 38129  
their owners and insureds. 38130

(4) Professional or medical liability insurance procured by a 38131  
hospital organized under Chapter 3701. of the Revised Code ~~or on~~ 38132  
~~behalf of an entity that manufactures, packages, and sells, as~~ 38133  
~~more than fifty per cent of the entity's business, pharmaceutical~~ 38134  
~~products for human use where the production, packaging, and sale~~ 38135  
~~of such products are subject to regulation by an agency of the~~ 38136  
~~United States;~~ 38137

(5) Insurance with an initial policy period of more than 38138  
three years and that is procured to cover known events related to 38139  
environmental remediation that occurred prior to the effective 38140  
date of that insurance; 38141

(6) Insurance procured on behalf of an entity that 38142  
manufactures, packages, and sells, as more than fifty per cent of 38143  
the entity's business, pharmaceutical products for human use where 38144  
the production, packaging, and sale of such products are subject 38145  
to regulation by an agency of the United States. 38146

(C) In transactions that are subject to sections 3905.30 to 38147  
3905.35 of the Revised Code, each person licensed under section 38148  
3905.30 of the Revised Code shall pay to the treasurer of state, 38149

on or before the thirty-first day of January of each year, five 38150  
per cent of the balance of the gross premiums charged for 38151  
insurance placed or procured under the license after a deduction 38152  
for return premiums, as reported on a form prescribed by the 38153  
treasurer of state. The tax shall be collected from the insured by 38154  
the surplus line broker who placed or procured the policy of 38155  
insurance at the time the policy is delivered to the insured. No 38156  
license issued under section 3905.30 of the Revised Code shall be 38157  
renewed until payment is made. If the tax is not paid when due, 38158  
the tax shall be increased by a penalty of twenty-five per cent. 38159  
An interest charge computed as set forth in section 5725.221 of 38160  
the Revised Code shall be made on the entire sum of the tax plus 38161  
penalty, which interest shall be computed from the date the tax is 38162  
due until it is paid. For purposes of this section, payment is 38163  
considered made when it is received by the treasurer of state, 38164  
irrespective of any United States postal service marking or other 38165  
stamp or mark indicating the date on which the payment may have 38166  
been mailed. 38167

**Sec. 3923.281.** (A) As used in this section: 38168

(1) "Biologically based mental illness" means schizophrenia, 38169  
schizoaffective disorder, major depressive disorder, bipolar 38170  
disorder, paranoia and other psychotic disorders, 38171  
obsessive-compulsive disorder, and panic disorder, as these terms 38172  
are defined in the most recent edition of the diagnostic and 38173  
statistical manual of mental disorders published by the American 38174  
psychiatric association. 38175

(2) "Policy of sickness and accident insurance" has the same 38176  
meaning as in section 3923.01 of the Revised Code, but excludes 38177  
any hospital indemnity, medicare supplement, long-term care, 38178  
disability income, one-time-limited-duration policy of not longer 38179  
than six months, supplemental benefit, or other policy that 38180

provides coverage for specific diseases or accidents only; any 38181  
policy that provides coverage for workers' compensation claims 38182  
compensable pursuant to Chapters 4121. and 4123. of the Revised 38183  
Code; and any policy that provides coverage to beneficiaries 38184  
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 38185  
(1935), 42 U.S.C.A. 301, as amended, known as the medical 38186  
assistance program or medicaid, as provided by the Ohio department 38187  
of job and family services under Chapter 5111. of the Revised 38188  
Code. 38189

(B) Notwithstanding section 3901.71 of the Revised Code, and 38190  
subject to division (E) of this section, every ~~group~~ policy of 38191  
sickness and accident insurance shall provide benefits for the 38192  
diagnosis and treatment of biologically based mental illnesses on 38193  
the same terms and conditions as, and shall provide benefits no 38194  
less extensive than, those provided under the policy of sickness 38195  
and accident insurance for the treatment and diagnosis of all 38196  
other physical diseases and disorders, if both of the following 38197  
apply: 38198

(1) The biologically based mental illness is clinically 38199  
diagnosed by a physician authorized under Chapter 4731. of the 38200  
Revised Code to practice medicine and surgery or osteopathic 38201  
medicine and surgery; a psychologist licensed under Chapter 4732. 38202  
of the Revised Code; a professional clinical counselor, 38203  
professional counselor, or independent social worker licensed 38204  
under Chapter 4757. of the Revised Code; or a clinical nurse 38205  
specialist licensed under Chapter 4723. of the Revised Code whose 38206  
nursing specialty is mental health. 38207

(2) The prescribed treatment is not experimental or 38208  
investigational, having proven its clinical effectiveness in 38209  
accordance with generally accepted medical standards. 38210

(C) Division (B) of this section applies to all coverages and 38211  
terms and conditions of the policy of sickness and accident 38212

insurance, including, but not limited to, coverage of inpatient 38213  
hospital services, outpatient services, and medication; maximum 38214  
lifetime benefits; copayments; and individual and family 38215  
deductibles. 38216

(D) Nothing in this section shall be construed as prohibiting 38217  
a sickness and accident insurance company from taking any of the 38218  
following actions: 38219

(1) Negotiating separately with mental health care providers 38220  
with regard to reimbursement rates and the delivery of health care 38221  
services; 38222

(2) Offering policies that provide benefits solely for the 38223  
diagnosis and treatment of biologically based mental illnesses; 38224

(3) Managing the provision of benefits for the diagnosis or 38225  
treatment of biologically based mental illnesses through the use 38226  
of pre-admission screening, by requiring beneficiaries to obtain 38227  
authorization prior to treatment, or through the use of any other 38228  
mechanism designed to limit coverage to that treatment determined 38229  
to be necessary; 38230

(4) Enforcing the terms and conditions of a policy of 38231  
sickness and accident insurance. 38232

(E) An insurer that offers ~~a group~~ any policy of sickness and 38233  
accident insurance is not required to provide benefits for the 38234  
diagnosis and treatment of biologically based mental illnesses 38235  
pursuant to division (B) of this section if all of the following 38236  
apply: 38237

(1) The insurer submits documentation certified by an 38238  
independent member of the American academy of actuaries to the 38239  
superintendent of insurance showing that incurred claims for 38240  
diagnostic and treatment services for biologically based mental 38241  
illnesses for a period of at least six months independently caused 38242  
the insurer's costs for claims and administrative expenses for the 38243



coverage of all other physical diseases and disorders to increase 38244  
by more than one per cent per year. 38245

(2) The insurer submits a signed letter from an independent 38246  
member of the American academy of actuaries to the superintendent 38247  
of insurance opining that the increase described in division 38248  
(E)(1) of this section could reasonably justify an increase of 38249  
more than one per cent in the annual premiums or rates charged by 38250  
the insurer for the coverage of all other physical diseases and 38251  
disorders. 38252

(3) The superintendent of insurance makes the following 38253  
determinations from the documentation and opinion submitted 38254  
pursuant to divisions (E)(1) and (2) of this section: 38255

(a) Incurred claims for diagnostic and treatment services for 38256  
biologically based mental illnesses for a period of at least six 38257  
months independently caused the insurer's costs for claims and 38258  
administrative expenses for the coverage of all other physical 38259  
diseases and disorders to increase by more than one per cent per 38260  
year. 38261

(b) The increase in costs reasonably justifies an increase of 38262  
more than one per cent in the annual premiums or rates charged by 38263  
the insurer for the coverage of all other physical diseases and 38264  
disorders. 38265

Any determination made by the superintendent under this 38266  
division is subject to Chapter 119. of the Revised Code. 38267

**Sec. 4112.12.** (A) There is hereby created the commission on 38268  
African-American males, which shall consist of not more than 38269  
~~forty one~~ twenty-three members as follows: the directors or their 38270  
designees of the departments of health, development, alcohol and 38271  
drug addiction services, and job and family services, 38272  
~~rehabilitation and correction, mental health, and youth services;~~ 38273

~~the adjutant general or the adjutant general's designee; the equal~~ 38274  
~~employment opportunity officer of the department of administrative~~ 38275  
~~services or the equal employment opportunity officer's designee;~~ 38276  
~~the executive director or the executive director's designee of the~~ 38277  
~~Ohio civil rights commission; the executive director or the~~ 38278  
~~executive director's designee of the division of criminal justice~~ 38279  
~~services in the department of public safety; the superintendent of~~ 38280  
~~public instruction; the chancellor or the chancellor's designee of~~ 38281  
~~the Ohio board of regents; two members of the house of~~ 38282  
~~representatives appointed by the speaker of the house of~~ 38283  
~~representatives each of whom shall be members of different~~ 38284  
~~political parties; ~~three and two~~ members of the senate appointed~~ 38285  
~~by the president of the senate; and not more than twenty three~~ 38286  
~~members appointed by the governor each of whom shall be members of~~ 38287  
~~different political parties. The members appointed by the governor~~ 38288  
~~shall include an additional member of the governor's cabinet and~~ 38289  
~~at least one representative of each of the following: the national~~ 38290  
~~association for the advancement of colored people; the urban~~ 38291  
~~league; an organization representing black elected officials; an~~ 38292  
~~organization representing black attorneys; the black religious~~ 38293  
~~community; the black business community; the nonminority business~~ 38294  
~~community; and organized labor; at least one black medical doctor,~~ 38295  
~~one black elected member of a school board, and one black~~ 38296  
~~educator; and at least two representatives of local private~~ 38297  
~~industry councils. The remaining members that may be appointed by~~ 38298  
~~the governor shall be selected from elected officials, civic and~~ 38299  
~~community leaders, and representatives of the employment, criminal~~ 38300  
~~justice, education, and health communities who are members of the~~ 38301  
~~general assembly shall be nonvoting members. The Ohio state~~ 38302  
~~university African American and African studies community~~ 38303  
~~extension center, in consultation with the governor, shall appoint~~ 38304  
~~two members from the private corporate sector, at least four~~ 38305  
~~members from the public sector, and two members from the nonprofit~~ 38306

sector. 38307

(B) Terms of office shall be for three years, ~~with each~~ 38308  
except that members of the general assembly appointed to the 38309  
commission shall be members only so long as they are members of 38310  
the general assembly. Each term ending ends on the same day of the 38311  
same month as did the term that it succeeds. Each member shall 38312  
hold office from the date of appointment until the end of the term 38313  
for which the member was appointed. Members may be reappointed. 38314  
Vacancies shall be filled in the manner provided for original 38315  
appointments. Any member appointed to fill a vacancy occurring 38316  
prior to the expiration date of the term for which the member's 38317  
predecessor was appointed shall hold office as a member for the 38318  
remainder of that term. A member shall continue in office 38319  
subsequent to the expiration date of the member's term until the 38320  
member's successor takes office or until a period of sixty days 38321  
has elapsed, whichever occurs first. 38322

The commission annually shall elect a chairperson from among 38323  
its members. 38324

(C) Members of the commission and members of subcommittees 38325  
appointed under division (B) of section 4112.13 of the Revised 38326  
Code shall not be compensated, but shall be reimbursed for their 38327  
necessary and actual expenses incurred in the performance of their 38328  
official duties. 38329

~~(D)(1) The Ohio civil rights commission shall serve as the~~ 38330  
~~commission on African American males' fiscal agent and shall~~ 38331  
~~perform all of the following services:~~ 38332

~~(a) Prepare and process payroll and other personnel documents~~ 38333  
~~that the commission on African American males approves;~~ 38334

~~(b) Maintain ledgers of accounts and reports of account~~ 38335  
~~balances, and monitor budgets and allotment plans in consultation~~ 38336  
~~with the commission on African American males;~~ 38337

~~(c) Perform other routine support services that the executive director of the Ohio civil rights commission or the executive director's designee and the Commission on African American males or its designee consider appropriate to achieve efficiency.~~

~~(2) The Ohio civil rights commission shall not approve any payroll or other personnel related documents or any biennial budget, grant, expenditure, audit, or fiscal related document without the advice and consent of the commission on African American males.~~

~~(3) The Ohio civil rights commission shall determine fees to be charged to the commission on African American males for services performed under this division, which shall be in proportion to the services performed for the commission on African American males.~~

~~(4) The commission on African American males or its designee has:~~

~~(a) Sole authority to draw funds for any federal program in which the commission is authorized to participate;~~

~~(b) Sole authority to expend funds from accounts for programs and any other necessary expenses the commission on African American males may incur;~~

~~(c) The duty to cooperate with the Ohio civil rights commission to ensure that the Ohio civil rights commission is fully apprised of all financial transactions.~~

~~(E) The Ohio state university African American and African studies community extension center, in consultation with the governor, shall appoint an executive director of the commission on African-American males shall appoint an executive director, who shall be in the unclassified civil service. The executive director shall supervise the commission's activities and report to the commission and to the Ohio state university African American and~~

African studies community extension center on the progress of 38369  
those activities. The executive director shall do all things 38370  
necessary for the efficient and effective implementation of the 38371  
duties of the commission. 38372

The responsibilities assigned to the executive director do 38373  
not relieve the members of the commission from final 38374  
responsibility for the proper performance of the requirements of 38375  
this division. 38376

~~(F)~~(E) The commission on African-American males shall do all 38377  
of the following: 38378

(1) Employ, promote, supervise, and remove all employees, as 38379  
needed, in connection with the performance of its duties under 38380  
this section; 38381

(2) Maintain its office in Columbus; 38382

(3) Acquire facilities, equipment, and supplies necessary to 38383  
house the commission, its employees, and files and records under 38384  
its control, and to discharge any duty imposed upon it by law. The 38385  
expense of these acquisitions shall be audited and paid for in the 38386  
same manner as other state expenses. 38387

~~(4) Prepare and submit to the office of budget and management 38388  
a budget for each biennium in accordance with sections 101.55 and 38389  
107.03 of the Revised Code. The budget submitted shall cover the 38390  
costs of the commission and its staff in the discharge of any duty 38391  
imposed upon the commission by law. The commission shall pay its 38392  
own payroll and other operating expenses from appropriation items 38393  
designated by the general assembly. The commission shall not 38394  
delegate any authority to obligate funds. 38395~~

~~(5)~~ Establish the overall policy and management of the 38396  
commission in accordance with this chapter; 38397

~~(6)~~(5) Follow all state procurement requirements; 38398

~~(7) Pay fees owed to the Ohio civil rights commission under division (D) of this section from the commission on African American males' general revenue fund or from any other fund from which the operating expenses of the commission on African American males are paid. Any amounts set aside for a fiscal year for the payment of such fees shall be used only for the services performed for the commission on African American males by the Ohio civil rights commission in that fiscal year (6)~~ 38399  
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Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center; 38407  
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(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center. 38412  
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~~(G)(F)~~ (F) The commission on African-American males may: 38417

(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly; 38418  
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(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions. 38421  
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(G) The Ohio state university African American and African studies community extension center shall establish the overall policy and management of the commission on African-American males and shall direct, manage, and oversee the commission. The Ohio state university African American and African studies community 38425  
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extension center shall develop overall policies and plans, and the 38430  
commission on African-American males shall implement those 38431  
policies and plans. The commission on African-American males, 38432  
through its executive director, shall keep the Ohio state 38433  
university African American and African studies community 38434  
extension center informed as to the activities of the commission 38435  
on African-American males in such manner and at such times as the 38436  
Ohio state university African American and African studies 38437  
community extension center shall determine. 38438

The Ohio state university African American and African 38439  
studies community extension center may prescribe duties and 38440  
responsibilities of the commission on African-American males in 38441  
addition to those prescribed in section 4112.13 of the Revised 38442  
Code. 38443

(H) The Ohio state university African American and African 38444  
studies community extension center annually shall contract for a 38445  
report on the status of African-Americans in this state. Issues to 38446  
be evaluated in the report shall include the criminal justice 38447  
system, education, employment, health care, and housing, and such 38448  
other issues as the Ohio state university African American and 38449  
African studies community extension center may specify. The report 38450  
shall include policy recommendations relating to the issues 38451  
covered in the report. 38452

**Sec. 4112.13.** (A) The In addition to any duties and 38453  
responsibilities that the Ohio state university African American 38454  
and African studies community extension center may prescribe for 38455  
the commission on African-American males under section 4112.12 of 38456  
the Revised Code, the commission on African-American males shall 38457  
do all of the following: 38458

(1) Oversee and supervise four separate and distinct 38459  
subcommittees devoted to solving problems and advancing 38460

recommendations exclusively pertinent to black males in the areas	38461
of unemployment, criminal justice, education, and health;	38462
(2) Conduct research to determine the nature and extent of	38463
the problems concerning black males in the four areas targeted in	38464
division (A)(1) of this section;	38465
(3) Hold public hearings for the purpose of collecting data;	38466
(4) Identify existing federal, state, and local programs that	38467
address problems and solutions relevant to the four targeted areas	38468
of study;	38469
(5) Implement appropriate new programs and demonstration	38470
projects especially designed for black males;	38471
(6) Develop and implement community education and public	38472
awareness programs especially designed for black males;	38473
(7) Develop strategies to improve the social condition of	38474
black males;	38475
(8) Report to the governor, the general assembly, the auditor	38476
of state, the secretary of state, the attorney general, and the	38477
chief justice of the Ohio supreme court at least biennially on the	38478
activities, findings, and recommendations of the commission;	38479
(9) Accept gifts, grants, donations, contributions, benefits,	38480
and other funds from any public agency or private source to carry	38481
out any or all of the commission's powers or duties. Such funds	38482
shall be deposited in the commission on African-American males	38483
fund, which is hereby created in the state treasury. All gifts,	38484
grants, donations, contributions, benefits, and other funds	38485
received by the commission under division (A)(9) of this section,	38486
when appropriated to the commission, shall be used solely to	38487
support the operations of the commission.	38488
(B) The <del>chairman</del> <u>chairperson</u> of the commission may appoint	38489
any number of individuals to serve on the subcommittees created in	38490



division (A)(1) of this section. Members of subcommittees serve at 38491  
the discretion of the ~~chairman~~ chairperson. 38492

**Sec. 4141.09.** (A) There is hereby created an unemployment 38493  
compensation fund to be administered by the state without 38494  
liability on the part of the state beyond the amounts paid into 38495  
the fund and earned by the fund. The unemployment compensation 38496  
fund shall consist of all contributions, payments in lieu of 38497  
contributions described in sections 4141.241 and 4141.242 of the 38498  
Revised Code, reimbursements of the federal share of extended 38499  
benefits described in section 4141.301 of the Revised Code, 38500  
collected under sections 4141.01 to 4141.46 of the Revised Code, 38501  
together with all interest earned upon any moneys deposited with 38502  
the secretary of the treasury of the United States to the credit 38503  
of the account of this state in the unemployment trust fund 38504  
established and maintained pursuant to section 904 of the "Social 38505  
Security Act," any property or securities acquired through the use 38506  
of moneys belonging to the fund, and all earnings of such property 38507  
or securities. The unemployment compensation fund shall be used to 38508  
pay benefits and refunds as provided by such sections and for no 38509  
other purpose. 38510

(B) The treasurer of state shall be the custodian of the 38511  
unemployment compensation fund and shall administer such fund in 38512  
accordance with the directions of the director of job and family 38513  
services. All disbursements therefrom shall be paid by the 38514  
treasurer of state on warrants drawn by the director. Such 38515  
warrants may bear the facsimile signature of the director printed 38516  
thereon and that of a deputy or other employee of the director 38517  
charged with the duty of keeping the account of the unemployment 38518  
compensation fund and with the preparation of warrants for the 38519  
payment of benefits to the persons entitled thereto. Moneys in the 38520  
clearing and benefit accounts shall not be commingled with other 38521  
state funds, except as provided in division (C) of this section, 38522

but shall be maintained in separate accounts on the books of the 38523  
depository bank. Such money shall be secured by the depository 38524  
bank to the same extent and in the same manner as required by 38525  
sections 135.01 to 135.21 of the Revised Code; and collateral 38526  
pledged for this purpose shall be kept separate and distinct from 38527  
any collateral pledged to secure other funds of this state. All 38528  
sums recovered for losses sustained by the unemployment 38529  
compensation fund shall be deposited therein. The treasurer of 38530  
state shall be liable on the treasurer's official bond for the 38531  
faithful performance of the treasurer's duties in connection with 38532  
the unemployment compensation fund, such liability to exist in 38533  
addition to any liability upon any separate bond. 38534

(C) The treasurer of state shall maintain within the 38535  
unemployment compensation fund three separate accounts which shall 38536  
be a clearing account, ~~an unemployment~~ a trust fund account, and a 38537  
benefit account. All moneys payable to the unemployment 38538  
compensation fund, upon receipt ~~thereof~~ by the director, shall be 38539  
forwarded to the treasurer of state, who shall immediately deposit 38540  
them in the clearing account. Refunds of contributions, or 38541  
payments in lieu of contributions, payable pursuant to division 38542  
(E) of this section may be paid from the clearing account upon 38543  
warrants signed by a deputy or other employee of the director 38544  
charged with the duty of keeping the record of the clearing 38545  
account and with the preparation of warrants for the payment of 38546  
refunds to persons entitled thereto. After clearance thereof, all 38547  
moneys in the clearing account shall be deposited with the 38548  
secretary of the treasury of the United States to the credit of 38549  
the account of this state in the unemployment trust fund 38550  
established and maintained pursuant to section 904 of the "Social 38551  
Security Act," in accordance with requirements of the "Federal 38552  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 38553  
3304(a)(3), any law in this state relating to the deposit, 38554  
administration, release, or disbursement of moneys in the 38555

possession or custody of this state to the contrary 38556  
notwithstanding. The benefit account shall consist of all moneys 38557  
requisitioned from this state's account in the unemployment trust 38558  
fund. Federal funds, ~~other than funds received by the director~~ 38559  
~~under divisions (I) and (J) of this section, received for payment~~ 38560  
~~of federal benefits~~ may be deposited, at the director's 38561  
discretion, into the benefit account. Any funds deposited into the 38562  
benefit account shall be disbursed solely for payment of benefits 38563  
under a federal program administered by this state. ~~Moneys so~~ 38564  
~~requisitioned shall be used solely for the payment of benefits~~ and 38565  
for no other purpose. Moneys in the clearing and benefit accounts 38566  
may be deposited by the treasurer of state, under the direction of 38567  
the director, in any bank or public depository in which general 38568  
funds of the state may be deposited, but no public deposit 38569  
insurance charge or premium shall be paid out of the fund. 38570

(D) Moneys shall be requisitioned from this state's account 38571  
in the unemployment trust fund solely for the payment of benefits 38572  
and in accordance with regulations prescribed by the director. The 38573  
director shall requisition from the unemployment trust fund such 38574  
amounts, not exceeding the amount standing to this state's account 38575  
therein, as are deemed necessary for the payment of benefits for a 38576  
reasonable future period. Upon receipt thereof, the treasurer of 38577  
state shall deposit such moneys in the benefit account. 38578  
Expenditures of such money in the benefit account and refunds from 38579  
the clearing account shall not require specific appropriations or 38580  
other formal release by state officers of money in their custody. 38581  
Any balance of moneys requisitioned from the unemployment trust 38582  
fund which remains unclaimed or unpaid in the benefit account 38583  
after the expiration of the period for which such sums were 38584  
requisitioned shall either be deducted from estimates for and may 38585  
be utilized for the payment of benefits during succeeding periods, 38586  
or, in the discretion of the director, shall be redeposited with 38587  
the secretary of the treasury of the United States to the credit 38588

of this state's account in the unemployment trust fund, as 38589  
provided in division (C) of this section. Unclaimed or unpaid 38590  
federal funds redeposited with the secretary of the treasury of 38591  
the United States shall be credited to the appropriate federal 38592  
account. 38593

(E) No claim for an adjustment or a refund on contribution, 38594  
payment in lieu of contributions, interest, or forfeiture alleged 38595  
to have been erroneously or illegally assessed or collected, or 38596  
alleged to have been collected without authority, and no claim for 38597  
an adjustment or a refund of any sum alleged to have been 38598  
excessive or in any manner wrongfully collected shall be allowed 38599  
unless an application, in writing, therefor is made within four 38600  
years from the date on which such payment was made. If the 38601  
director determines that such contribution, payment in lieu of 38602  
contributions, interest, or forfeiture, or any portion thereof, 38603  
was erroneously collected, the director shall allow such employer 38604  
to make an adjustment thereof without interest in connection with 38605  
subsequent contribution payments, or payments in lieu of 38606  
contributions, by the employer, or the director may refund said 38607  
amount, without interest, from the clearing account of the 38608  
unemployment compensation fund, except as provided in division (B) 38609  
of section 4141.11 of the Revised Code. For like cause and within 38610  
the same period, adjustment or refund may be so made on the 38611  
director's own initiative. An overpayment of contribution, payment 38612  
in lieu of contributions, interest, or forfeiture for which an 38613  
employer has not made application for refund prior to the date of 38614  
sale of the employer's business shall accrue to the employer's 38615  
successor in interest. 38616

An application for an adjustment or a refund, or any portion 38617  
thereof, that is rejected is binding upon the employer unless, 38618  
within thirty days after the mailing of a written notice of 38619  
rejection to the employer's last known address, or, in the absence 38620

of mailing of such notice, within thirty days after the delivery 38621  
of such notice, the employer files an application for a review and 38622  
redetermination setting forth the reasons therefor. The director 38623  
shall promptly examine the application for review and 38624  
redetermination, and if a review is granted, the employer shall be 38625  
promptly notified thereof, and shall be granted an opportunity for 38626  
a prompt hearing. 38627

(F) If the director finds that contributions have been paid 38628  
to the director in error, and that such contributions should have 38629  
been paid to a department of another state or of the United States 38630  
charged with the administration of an unemployment compensation 38631  
law, the director may upon request by such department or upon the 38632  
director's own initiative transfer to such department the amount 38633  
of such contributions, less any benefits paid to claimants whose 38634  
wages were the basis for such contributions. The director may 38635  
request and receive from such department any contributions or 38636  
adjusted contributions paid in error to such department which 38637  
should have been paid to the director. 38638

(G) In accordance with section 303(c)(3) of the Social 38639  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 38640  
of 1954 for continuing certification of Ohio unemployment 38641  
compensation laws for administrative grants and for tax credits, 38642  
any interest required to be paid on advances under Title XII of 38643  
the Social Security Act shall be paid in a timely manner and shall 38644  
not be paid, directly or indirectly, by an equivalent reduction in 38645  
the Ohio unemployment taxes or otherwise, by the state from 38646  
amounts in the unemployment compensation fund. 38647

(H) The treasurer of state, under the direction of the 38648  
director and in accordance with the "Cash Management Improvement 38649  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 38650  
amounts of interest earned by the state on funds in the benefit 38651  
account established pursuant to division (C) of this section into 38652

the department of job and family services banking fees fund, which 38653  
is hereby created in the state treasury for the purpose of paying 38654  
related banking costs incurred by the state for the period for 38655  
which the interest is calculated, except that if the deposited 38656  
interest exceeds the banking costs incurred by the state for the 38657  
period for which the interest is calculated, the treasurer of 38658  
state shall deposit the excess interest into the unemployment 38659  
trust fund. 38660

~~(I) The treasurer of state, under the direction of the 38661  
director, shall deposit federal funds received by the director for 38662  
the payment of benefits, job search, relocation, transportation, 38663  
and subsistence allowances pursuant to the "Trade Act of 1974," 88 38664  
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free 38665  
Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 38666  
3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 38667  
U.S.C.A. 3801, as amended, into the Trade Act benefit account, 38668  
which is hereby created for the purpose of making payments 38669  
specified under those acts. 38670~~

~~(J) The treasurer of state, under the direction of the 38671  
director, shall deposit federal funds received by the director for 38672  
training and administration and for payment of benefits, job 38673  
search, relocation, transportation, and subsistence allowances 38674  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 38675  
2101, as amended; the "North American Free Trade Agreement 38676  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 38677  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 38678  
3801, as amended, into the Trade Act training and administration 38679  
account, which is hereby created for the purpose of making 38680  
payments specified under those acts. The treasurer of state, under 38681  
the direction of the director, may transfer funds from the Trade 38682  
Act training and administration account to the benefit account for 38683  
the purpose of making any payments directly to claimants for 38684~~

benefits, job search, relocation, transportation, and subsistence 38685  
allowances, as specified by those acts. 38686

**Sec. 4301.20.** This chapter and Chapter 4303. of the Revised 38687  
Code do not prevent the following: 38688

(A) The storage of intoxicating liquor in bonded warehouses, 38689  
established in accordance with the acts of congress and under the 38690  
regulation of the United States, located in this state, or the 38691  
transportation of intoxicating liquor to or from bonded warehouses 38692  
of the United States wherever located; 38693

(B) A bona fide resident of this state who is the owner of a 38694  
warehouse receipt from obtaining or transporting to the resident's 38695  
residence for the resident's own consumption and not for resale 38696  
spirituous liquor stored in a government bonded warehouse in this 38697  
state or in another state prior to December 1933, subject to such 38698  
terms as are prescribed by the division of liquor control; 38699

(C) The manufacture of cider from fruit for the purpose of 38700  
making vinegar, and nonintoxicating cider and fruit juices for use 38701  
and sale; 38702

(D) A licensed physician or dentist from administering or 38703  
dispensing intoxicating liquor or alcohol to a patient in good 38704  
faith in the actual course of the practice of the physician's or 38705  
dentist's profession; 38706

(E) The sale of alcohol to physicians, dentists, druggists, 38707  
veterinary surgeons, manufacturers, hospitals, infirmaries, or 38708  
medical or educational institutions using the alcohol for 38709  
medicinal, mechanical, chemical, or scientific purposes; 38710

(F) The sale, gift, or keeping for sale by druggists and 38711  
others of any of the medicinal preparations manufactured in 38712  
accordance with the formulas prescribed by the United States 38713  
Pharmacopoeia and National Formulary, patent or proprietary 38714

preparations, and other bona fide medicinal and technical 38715  
preparations, which contain no more alcohol than is necessary to 38716  
hold the medicinal agents in solution and to preserve the same, 38717  
which are manufactured and sold as medicine and not as beverages, 38718  
are unfit for use for beverage purposes, and the sale of which 38719  
does not require the payment of a United States liquor dealer's 38720  
tax; 38721

(G) The manufacture and sale of tinctures or of toilet, 38722  
medicinal, and antiseptic preparations and solutions not intended 38723  
for internal human use nor to be sold as beverages, and which are 38724  
unfit for beverage purposes, if upon the outside of each bottle, 38725  
box, or package of which there is printed in the English language, 38726  
conspicuously and legibly, the quantity by volume of alcohol in 38727  
the preparation or solution; 38728

(H) The manufacture and keeping for sale of the food products 38729  
known as flavoring extracts when manufactured and sold for 38730  
cooking, culinary, or flavoring purposes, and which are unfit for 38731  
use for beverage purposes; 38732

(I) The lawful sale of wood alcohol or of ethyl alcohol for 38733  
external use when combined with other substances as to make it 38734  
unfit for internal use; 38735

(J) The manufacture, sale, and transport of ethanol or ethyl 38736  
alcohol for use as fuel. As used in this division, "ethanol" has 38737  
the same meaning as in section 5733.46 of the Revised Code. 38738

(K) The purchase and importation into this state of 38739  
intoxicating liquor for use in manufacturing processes of 38740  
nonbeverage food products under terms prescribed by the division, 38741  
provided that the terms prescribed by the division shall not 38742  
increase the cost of the intoxicating liquor to any person, firm, 38743  
or corporation purchasing and importing it into this state for 38744  
that use; 38745



~~(K)~~(L) Any resident of this state or any member of the armed forces of the United States, who has attained the age of twenty-one years, from bringing into this state, for personal use and not for resale, not more than one liter of spirituous liquor in any thirty-day period, and the same is free of any tax consent fee when the resident or member of the armed forces physically possesses and accompanies the spirituous liquor on returning from a foreign country, another state, or an insular possession of the United States;

~~(L)~~(M) Persons, at least twenty-one years of age, who collect ceramic commemorative bottles containing spirituous liquor ~~which~~ that have unbroken federal tax stamps on them from selling or trading the bottles to other collectors. The bottles ~~must~~ shall originally have been purchased at retail from the division, legally imported under division ~~(K)~~(L) of this section, or legally imported pursuant to a supplier registration issued by the division. The sales shall be for the purpose of exchanging a ceramic commemorative bottle between private collectors and shall not be for the purpose of selling the spirituous liquor for personal consumption. The sale or exchange authorized by this division shall not occur on the premises of any permit holder, shall not be made in connection with the business of any permit holder, and shall not be made in connection with any mercantile business.

**Sec. 4301.24.** Except as provided in section 4301.242 of the Revised Code, no manufacturer shall aid or assist the holder of any permit for sale at wholesale, and no manufacturer or wholesale distributor shall aid or assist the holder of any permit for sale at retail, by gift or loan of any money or property of any description or other valuable thing, or by giving premiums or rebates. Except as provided in section 4301.242 of the Revised Code, no holder of any such permit shall accept the same, provided

that the manufacturer or wholesale distributor may furnish to a 38778  
retail permittee the inside signs or advertising and the tap signs 38779  
or devices authorized by divisions (E) and (F) of section 4301.22 38780  
of the Revised Code. 38781

No manufacturer shall have any financial interest, directly 38782  
or indirectly, by stock ownership, or through interlocking 38783  
directors in a corporation, or otherwise, in the establishment, 38784  
maintenance, or promotion in the business of any wholesale 38785  
distributor. No retail permit holder shall have any interest, 38786  
directly or indirectly, in the operation of, or any ownership in, 38787  
the business of any wholesale distributor or manufacturer. 38788

No manufacturer shall, except as authorized by section 38789  
4303.021 of the Revised Code, have any financial interest, 38790  
directly or indirectly, by stock ownership, or through 38791  
interlocking directors in a corporation, or otherwise, in the 38792  
establishment, maintenance, or promotion of the business of any 38793  
retail dealer. No wholesale distributor or employee of a wholesale 38794  
distributor shall have any financial interest, directly or 38795  
indirectly, by stock ownership, interlocking directors in a 38796  
corporation, or otherwise, in the establishment, maintenance, or 38797  
promotion of the business of any retail dealer. No manufacturer or 38798  
wholesale distributor or any stockholder of a manufacturer or 38799  
wholesale distributor shall acquire, by ownership in fee, 38800  
leasehold, mortgage, or otherwise, directly or indirectly, any 38801  
interest in the premises on which the business of any other person 38802  
engaged in the business of trafficking in beer or intoxicating 38803  
liquor is conducted. All contracts, covenants, conditions, and 38804  
limitations whereby any person engaged or proposing to engage in 38805  
the sale of beer or intoxicating liquors promises to confine the 38806  
person's sales of a particular kind or quality of beer or 38807  
intoxicating liquor to one or more products, or the products of a 38808  
specified manufacturer or wholesale distributor, or to give 38809

preference to those products, shall to the extent of that promise 38810  
be void. The making of a promise in any such form shall be cause 38811  
for the revocation or suspension of any permit issued to any 38812  
party. This section does not prevent the holder of an A permit 38813  
from securing and holding a wholesale distributor's permit or 38814  
permits and operating as a wholesale distributor. 38815

No manufacturer shall sell or offer to sell to any wholesale 38816  
distributor or retail permit holder, no wholesale distributor 38817  
shall sell or offer to sell to any retail permit holder, and no 38818  
wholesale distributor or retail permit holder shall purchase or 38819  
receive from any manufacturer or wholesale distributor, any beer, 38820  
brewed beverages, or wine manufactured in the United States except 38821  
for cash. No right of action shall exist to collect any claims for 38822  
credit extended contrary to this section. This section does not 38823  
prohibit a licensee from crediting to a purchaser the actual 38824  
prices charged for packages or containers returned by the original 38825  
purchaser as a credit on any sale or from refunding to any 38826  
purchaser the amount paid by that purchaser for containers or as a 38827  
deposit on containers when title is retained by the vendor, if 38828  
those containers or packages have been returned to the 38829  
manufacturer or distributor. This section does not prohibit a 38830  
manufacturer from extending usual and customary credit for beer, 38831  
brewed beverages, or wine manufactured in the United States and 38832  
sold to customers who live or maintain places of business outside 38833  
this state when the beverages so sold are actually transported and 38834  
delivered to points outside this state. No wholesale or retail 38835  
permit shall be issued to an applicant unless the applicant has 38836  
paid in full all accounts for beer or wine, manufactured in the 38837  
United States, outstanding as of September 6, 1939. No beer or 38838  
wine manufactured in the United States shall be imported into the 38839  
state unless the beer or wine has been paid for in cash, and no 38840  
supplier registration for any such beer or wine manufactured in 38841  
the United States shall be issued by the division of liquor 38842

control until the A-2, B-1, or B-5 permit holder establishes to 38843  
the satisfaction of the division that the beer or wine has been 38844  
paid for in cash. 38845

This section does not prevent a manufacturer from securing 38846  
and holding any financial interest, directly or indirectly, by 38847  
stock ownership or through interlocking directors in a 38848  
corporation, or otherwise, in the establishment, maintenance, or 38849  
promotion of the business or premises of any C or D permit holder, 38850  
provided that the following conditions are met: 38851

(A) Either the manufacturer or one of its parent companies is 38852  
listed on a national securities exchange. 38853

(B) All purchases of alcoholic beverages by the C or D permit 38854  
holder are made from wholesale distributors in this state or 38855  
agency stores licensed by the division of liquor control. 38856

(C) If the C or D permit holder sells brands of alcoholic 38857  
beverages that are produced or distributed by the manufacturer 38858  
that holds the financial interest, the C or D permit holder also 38859  
sells other competing brands of alcoholic beverages produced by 38860  
other manufacturers, no preference is given to the products of the 38861  
manufacturer, and there is no exclusion, in whole or in part, of 38862  
products sold or offered for sale by other manufacturers, 38863  
suppliers, or importers of alcoholic beverages that constitutes a 38864  
substantial impairment of commerce. 38865

(D) The primary purpose of the C or D permit premises is a 38866  
purpose other than to sell alcoholic beverages, and the sale of 38867  
other goods and services exceeds fifty per cent of the total gross 38868  
receipts of the C or D permit holder at its premises. 38869

This section does not prevent a manufacturer from giving 38870  
financial assistance to the holder of a B permit for the purpose 38871  
of the holder purchasing an ownership interest in the business, 38872  
existing inventory and equipment, or property of another B permit 38873

holder, including, but not limited to, participation in a limited 38874  
liability partnership, limited liability company, or any other 38875  
legal entity authorized to do business in this state. This section 38876  
does not permit a manufacturer to give financial assistance to the 38877  
holder of a B permit to purchase inventory or equipment used in 38878  
the daily operation of a B permit holder. 38879

This section does not prevent a manufacturer from securing 38880  
and holding a B-2a permit or permits and operating as a wholesale 38881  
distributor. 38882

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 38883  
the Revised Code: 38884

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 38885  
fluid ounces. 38886

(2) "Sale" or "sell" includes exchange, barter, gift, 38887  
distribution, and, except with respect to A-4 permit holders, 38888  
offer for sale. 38889

(B) For the purposes of providing revenues for the support of 38890  
the state and encouraging the grape industries in the state, a tax 38891  
is hereby levied on the sale or distribution of wine in Ohio, 38892  
except for known sacramental purposes, at the rate of thirty cents 38893  
per wine gallon for wine containing not less than four per cent of 38894  
alcohol by volume and not more than fourteen per cent of alcohol 38895  
by volume, ninety-eight cents per wine gallon for wine containing 38896  
more than fourteen per cent but not more than twenty-one per cent 38897  
of alcohol by volume, one dollar and eight cents per wine gallon 38898  
for vermouth, and one dollar and forty-eight cents per wine gallon 38899  
for sparkling and carbonated wine and champagne, the tax to be 38900  
paid by the holders of A-2 and B-5 permits or by any other person 38901  
selling or distributing wine upon which no tax has been paid. From 38902  
the tax paid under this section on wine, vermouth, and sparkling 38903  
and carbonated wine and champagne, the treasurer of state shall 38904

credit to the Ohio grape industries fund created under section 38905  
924.54 of the Revised Code a sum equal to one cent per gallon for 38906  
each gallon upon which the tax is paid. 38907

(C) For the purpose of providing revenues for the support of 38908  
the state, there is hereby levied a tax on prepared and bottled 38909  
highballs, cocktails, cordials, and other mixed beverages at the 38910  
rate of one dollar and twenty cents per wine gallon to be paid by 38911  
holders of A-4 permits or by any other person selling or 38912  
distributing those products upon which no tax has been paid. Only 38913  
one sale of the same article shall be used in computing the amount 38914  
of tax due. The tax on mixed beverages to be paid by holders of 38915  
A-4 permits under this section shall not attach until the 38916  
ownership of the mixed beverage is transferred for valuable 38917  
consideration to a wholesaler or retailer, and no payment of the 38918  
tax shall be required prior to that time. 38919

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 38920  
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 38921  
and sparkling and carbonated wine and champagne, the treasurer of 38922  
state shall credit to the Ohio grape industries fund created under 38923  
section 924.54 of the Revised Code a sum equal to two cents per 38924  
gallon upon which the tax is paid. The amount credited under this 38925  
division is in addition to the amount credited to the Ohio grape 38926  
industries fund under division (B) of this section. 38927

(E) For the purpose of providing revenues for the support of 38928  
the state, there is hereby levied a tax on cider at the rate of 38929  
twenty-four cents per wine gallon to be paid by the holders of A-2 38930  
and B-5 permits or by any other person selling or distributing 38931  
cider upon which no tax has been paid. Only one sale of the same 38932  
article shall be used in computing the amount of the tax due. 38933

**Sec. 4303.03.** Permit A-2 may be issued to a manufacturer to 38934  
manufacture wine from grapes or other fruits; to import and 38935

purchase wine in bond for blending purposes, the total amount of 38936  
wine so imported during the year covered by the permit not to 38937  
exceed forty per cent of all the wine manufactured and imported; 38938  
to manufacture, purchase, and import brandy for fortifying 38939  
purposes; and to sell those products either in glass or container 38940  
for consumption on the premises where manufactured, ~~for home use,~~ 38941  
in sealed containers for consumption off the premises where 38942  
manufactured, and to ~~retail and~~ wholesale permit holders under the 38943  
rules adopted by the division of liquor control. 38944

The fee for this permit is ~~one hundred twenty six~~ seventy-six 38945  
dollars for each plant to which this permit is issued. 38946

**Sec. 4303.071.** (A)(1) Except as otherwise provided in 38947  
division (A)(2) of this section, permit B-2a may be issued to a 38948  
person that manufactures wine, is the brand owner or United States 38949  
importer of wine, or is the designated agent of a brand owner or 38950  
importer for all wine sold in this state for that owner or 38951  
importer. If the person resides outside this state, the person 38952  
shall comply with the requirements governing the issuance of 38953  
licenses or permits that authorize the sale of intoxicating liquor 38954  
by the appropriate authority of the state in which the person 38955  
resides or by the tax and trade bureau in the United States 38956  
department of the treasury. 38957

(2) A B-2a permit shall only be issued to a manufacturer of 38958  
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 38959  
that produces less than one hundred fifty thousand gallons of wine 38960  
per year. 38961

(3) The fee for the B-2a permit is twenty-five dollars. 38962

(4) The holder of a B-2a permit may sell wine to a retail 38963  
permit holder, but a B-2a permit holder that is a wine 38964  
manufacturer may sell to a retail permit holder only wine that the 38965  
B-2a permit holder has manufactured. 38966

(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. 38967  
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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 sections 4301.421 and 4301.43 and Chapters 5739. and 5741. of the Revised Code. 38971  
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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. 38976  
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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 authority of the state in which the person resides or by the tax and trade bureau of the United States department of the treasury. 38980  
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(2) An S permit shall only be issued to a manufacturer of wine that is entitled to a tax credit under 27 C.F.R. 24.278 and that produces less than one hundred fifty thousand gallons of wine per year. 38990  
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(3) The fee for the S permit is twenty-five dollars. 38994

(4) The holder of an S permit may sell wine to a personal consumer by receiving and filling orders that the personal 38995  
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consumer submits to the permit holder. The permit holder shall 38997  
sell only wine that the permit holder has manufactured to a 38998  
personal consumer. 38999

(5) The holder of an S permit shall renew the permit in 39000  
accordance with section 4303.271 of the Revised Code, except that 39001  
the renewal shall not be subject to the notice and hearing 39002  
requirements established in division (B) of that section. 39003

(6) The division of liquor control may refuse to renew an S 39004  
permit for any of the reasons specified in section 4303.292 of the 39005  
Revised Code or if the holder of the permit fails to do any of the 39006  
following: 39007

(a) Collect and pay all applicable taxes specified in 39008  
division (B) of this section; 39009

(b) Pay the permit fee; 39010

(c) Comply with this section or any rules adopted by the 39011  
liquor control commission under section 4301.03 of the Revised 39012  
Code. 39013

(B) The holder of an S permit shall collect and pay all 39014  
applicable taxes relating to the delivery of wine to a personal 39015  
consumer, including, but not limited to, taxes levied under 39016  
sections 4301.421 and 4301.43 and Chapters 5739. and 5741. of the 39017  
Revised Code. 39018

(C)(1) The holder of an S permit shall send a shipment of 39019  
wine that has been paid for by a personal consumer to that 39020  
personal consumer via the holder of an H permit. Prior to sending 39021  
a shipment of wine to a personal consumer, the holder of an S 39022  
permit, or an employee of the permit holder, shall make a bona 39023  
fide effort to ensure that the personal consumer is at least 39024  
twenty-one years of age. The shipment of wine shall be shipped in 39025  
a package that clearly has written on it in bold print the words 39026  
"alcohol enclosed." No person shall fail to comply with division 39027

(C)(1) of this section. 39028

(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. 39029  
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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: 39035  
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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. 39038  
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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 determine the specific electronic means that the S permit holder must use to submit the report. 39044  
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(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer. 39053  
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(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, 39056  
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and intends to use wine purchased in accordance with this section 39059  
for personal consumption only and not for resale or other 39060  
commercial purposes. 39061

Sec. 4303.233. No family household shall purchase more than 39062  
twenty-four cases of nine-liter bottles of wine in one year. 39063

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 39064  
home that has acquired situs in this state shall pay either a real 39065  
property tax pursuant to Title LVII of the Revised Code or a 39066  
manufactured home tax pursuant to division (C) of this section. 39067

(B) The owner of a manufactured or mobile home shall pay real 39068  
property taxes if either of the following applies: 39069

(1) The manufactured or mobile home acquired situs in the 39070  
state or ownership in the home was transferred on or after January 39071  
1, 2000, and all of the following apply: 39072

(a) The home is affixed to a permanent foundation as defined 39073  
in division (C)(5) of section 3781.06 of the Revised Code. 39074

(b) The home is located on land that is owned by the owner of 39075  
the home. 39076

(c) The certificate of title has been inactivated by the 39077  
clerk of the court of common pleas that issued it, pursuant to 39078  
division (H) of section 4505.11 of the Revised Code. 39079

(2) The manufactured or mobile home acquired situs in the 39080  
state or ownership in the home was transferred before January 1, 39081  
2000, and all of the following apply: 39082

(a) The home is affixed to a permanent foundation as defined 39083  
in division (C)(5) of section 3781.06 of the Revised Code. 39084

(b) The home is located on land that is owned by the owner of 39085  
the home. 39086

(c) The owner of the home has elected to have the home taxed 39087  
as real property and, pursuant to section 4505.11 of the Revised 39088  
Code, has surrendered the certificate of title to the auditor of 39089  
the county containing the taxing district in which the home has 39090  
its situs, together with proof that all taxes have been paid. 39091

(d) The county auditor has placed the home on the real 39092  
property tax list and delivered the certificate of title to the 39093  
clerk of the court of common pleas that issued it and the clerk 39094  
has inactivated the certificate. 39095

(C)(1) Any mobile or manufactured home that is not taxed as 39096  
real property as provided in division (B) of this section is 39097  
subject to an annual manufactured home tax, payable by the owner, 39098  
for locating the home in this state. The tax as levied in this 39099  
section is for the purpose of supplementing the general revenue 39100  
funds of the local subdivisions in which the home has its situs 39101  
pursuant to this section. 39102

(2) The year for which the manufactured home tax is levied 39103  
commences on the first day of January and ends on the following 39104  
thirty-first day of December. The state shall have the first lien 39105  
on any manufactured or mobile home on the list for the amount of 39106  
taxes, penalties, and interest charged against the owner of the 39107  
home under this section. The lien of the state for the tax for a 39108  
year shall attach on the first day of January to a home that has 39109  
acquired situs on that date. The lien for a home that has not 39110  
acquired situs on the first day of January, but that acquires 39111  
situs during the year, shall attach on the next first day of 39112  
January. The lien shall continue until the tax, including any 39113  
penalty or interest, is paid. 39114

(3)(a) The situs of a manufactured or mobile home located in 39115  
this state on the first day of January is the local taxing 39116  
district in which the home is located on that date. 39117

(b) The situs of a manufactured or mobile home not located in this state on the first day of January, but located in this state subsequent to that date, is the local taxing district in which the home is located thirty days after it is acquired or first enters this state.

(4) The tax is collected by and paid to the county treasurer of the county containing the taxing district in which the home has its situs.

(D) The manufactured home tax shall be computed and assessed by the county auditor of the county containing the taxing district in which the home has its situs as follows:

(1) On a home that acquired situs in this state prior to January 1, 2000:

(a) By multiplying the assessable value of the home by the tax rate of the taxing district in which the home has its situs, and deducting from the product thus obtained any reduction authorized under section 4503.065 of the Revised Code. The tax levied under this formula shall not be less than thirty-six dollars, unless the home qualifies for a reduction in assessable value under section 4503.065 of the Revised Code, in which case there shall be no minimum tax and the tax shall be the amount calculated under this division.

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year  
in which the  
home is owned by the

current owner	x	80%	39149
2nd calendar year	x	75%	39150
3rd "	x	70%	39151
4th "	x	65%	39152
5th "	x	60%	39153
6th "	x	55%	39154
7th "	x	50%	39155
8th "	x	45%	39156
9th "	x	40%	39157
10th and each year thereafter	x	35%	39158

The first calendar year means any period between the first 39159  
day of January and the thirty-first day of December of the first 39160  
year. 39161

(ii) If the cost to the owner, or market value at the time of 39162  
purchase, whichever is greater, of the home does not include the 39163  
furnishings and equipment, such cost or market value shall be 39164  
multiplied according to the following schedule: 39165

For the first calendar year			39166
in which the			39167
home is owned by the			39168
current owner	x	95%	39169
2nd calendar year	x	90%	39170
3rd "	x	85%	39171
4th "	x	80%	39172
5th "	x	75%	39173
6th "	x	70%	39174
7th "	x	65%	39175
8th "	x	60%	39176
9th "	x	55%	39177
10th and each year thereafter	x	50%	39178

The first calendar year means any period between the first 39179  
day of January and the thirty-first day of December of the first 39180

year. 39181

(2) On a home in which ownership was transferred or that 39182  
first acquired situs in this state on or after January 1, 2000: 39183

(a) By multiplying the assessable value of the home by the 39184  
effective tax rate, as defined in section 323.08 of the Revised 39185  
Code, for residential real property of the taxing district in 39186  
which the home has its situs, and deducting from the product thus 39187  
obtained the reductions required or authorized under section 39188  
319.302, division (B) of section 323.152, or section 4503.065 of 39189  
the Revised Code. 39190

(b) The assessable value of the home shall be thirty-five per 39191  
cent of its true value as determined under division (L) of this 39192  
section. 39193

(3) On or before the fifteenth day of January each year, the 39194  
county auditor shall record the assessable value and the amount of 39195  
tax on the manufactured or mobile home on the tax list and deliver 39196  
a duplicate of the list to the county treasurer. In the case of an 39197  
emergency as defined in section 323.17 of the Revised Code, the 39198  
tax commissioner, by journal entry, may extend the times for 39199  
delivery of the duplicate for an additional fifteen days upon 39200  
receiving a written application from the county auditor regarding 39201  
an extension for the delivery of the duplicate, or from the county 39202  
treasurer regarding an extension of the time for the billing and 39203  
collection of taxes. The application shall contain a statement 39204  
describing the emergency that will cause the unavoidable delay and 39205  
must be received by the tax commissioner on or before the last day 39206  
of the month preceding the day delivery of the duplicate is 39207  
otherwise required. When an extension is granted for delivery of 39208  
the duplicate, the time period for payment of taxes shall be 39209  
extended for a like period of time. When a delay in the closing of 39210  
a tax collection period becomes unavoidable, the tax commissioner, 39211  
upon application by the county auditor and county treasurer, may 39212

order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill prescribed by the tax commissioner under division (D)(7) of this section. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or



the agent designated by that person a second tax bill showing the 39245  
amount due at the time of the second tax collection. The second 39246  
half tax bill shall be mailed or delivered at least twenty days 39247  
prior to the close of the second half tax collection period. A 39248  
change in the mailing address of any tax bill shall be made in 39249  
writing to the county treasurer. Failure to receive a bill 39250  
required by this section does not excuse failure or delay to pay 39251  
any taxes shown on the bill or, except as provided in division 39252  
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 39253  
interest, or charge for such delay. 39254

(b) After delivery of the copy of the delinquent manufactured 39255  
home tax list under division (H) of this section, the county 39256  
treasurer may prepare and mail to each person in whose name a home 39257  
is listed an additional tax bill showing the total amount of 39258  
delinquent taxes charged against the home as shown on the list. 39259  
The tax bill shall include a notice that the interest charge 39260  
prescribed by division (G) of this section has begun to accrue. 39261

(7) Each tax bill prepared and mailed or delivered under 39262  
division (D)(6) of this section shall be in the form and contain 39263  
the information required by the tax commissioner. The commissioner 39264  
may prescribe different forms for each county and may authorize 39265  
the county auditor to make up tax bills and tax receipts to be 39266  
used by the county treasurer. The tax bill shall not contain or be 39267  
mailed or delivered with any information or material that is not 39268  
required by this section or that is not authorized by section 39269  
321.45 of the Revised Code or by the tax commissioner. In addition 39270  
to the information required by the commissioner, each tax bill 39271  
shall contain the following information: 39272

(a) The taxes levied and the taxes charged and payable 39273  
against the manufactured or mobile home; 39274

(b) The following notice: "Notice: If the taxes are not paid 39275  
within sixty days after the county auditor delivers the delinquent 39276

manufactured home tax list to the county treasurer, you and your 39277  
home may be subject to collection proceedings for tax 39278  
delinquency." Failure to provide such notice has no effect upon 39279  
the validity of any tax judgment to which a home may be subjected. 39280

(c) In the case of manufactured or mobile homes taxed under 39281  
division (D)(2) of this section, the following additional 39282  
information: 39283

(i) The effective tax rate. The words "effective tax rate" 39284  
shall appear in boldface type. 39285

(ii) The following notice: "Notice: If the taxes charged 39286  
against this home have been reduced by the 2-1/2 per cent tax 39287  
reduction for residences occupied by the owner but the home is not 39288  
a residence occupied by the owner, the owner must notify the 39289  
county auditor's office not later than March 31 of the year for 39290  
which the taxes are due. Failure to do so may result in the owner 39291  
being convicted of a fourth degree misdemeanor, which is 39292  
punishable by imprisonment up to 30 days, a fine up to \$250, or 39293  
both, and in the owner having to repay the amount by which the 39294  
taxes were erroneously or illegally reduced, plus any interest 39295  
that may apply. 39296

If the taxes charged against this home have not been reduced 39297  
by the 2-1/2 per cent tax reduction and the home is a residence 39298  
occupied by the owner, the home may qualify for the tax reduction. 39299  
To obtain an application for the tax reduction or further 39300  
information, the owner may contact the county auditor's office at 39301  
..... (insert the address and telephone number of the county 39302  
auditor's office)." 39303

(E)(1) A manufactured or mobile home is not subject to this 39304  
section when any of the following applies: 39305

(a) It is taxable as personal property pursuant to section 39306  
5709.01 of the Revised Code. Any manufactured or mobile home that 39307

is used as a residence shall be subject to this section and shall 39308  
not be taxable as personal property pursuant to section 5709.01 of 39309  
the Revised Code. 39310

(b) It bears a license plate issued by any state other than 39311  
this state unless the home is in this state in excess of an 39312  
accumulative period of thirty days in any calendar year. 39313

(c) The annual tax has been paid on the home in this state 39314  
for the current year. 39315

(d) The tax commissioner has determined, pursuant to section 39316  
5715.27 of the Revised Code, that the property is exempt from 39317  
taxation, or would be exempt from taxation under Chapter 5709. of 39318  
the Revised Code if it were classified as real property. 39319

(2) A travel trailer or park trailer, as these terms are 39320  
defined in section 4501.01 of the Revised Code, is not subject to 39321  
this section if it is unused or unoccupied and stored at the 39322  
owner's normal place of residence or at a recognized storage 39323  
facility. 39324

(3) A travel trailer or park trailer, as these terms are 39325  
defined in section 4501.01 of the Revised Code, is subject to this 39326  
section and shall be taxed as a manufactured or mobile home if it 39327  
has a situs longer than thirty days in one location and is 39328  
connected to existing utilities, unless either of the following 39329  
applies: 39330

(a) The situs is in a state facility or a camping or park 39331  
area as defined in division (C), (Q), (S), or (V) of section 39332  
3729.01 of the Revised Code. 39333

(b) The situs is in a camping or park area that is a tract of 39334  
land that has been limited to recreational use by deed or zoning 39335  
restrictions and subdivided for sale of five or more individual 39336  
lots for the express or implied purpose of occupancy by either 39337  
self-contained recreational vehicles as defined in division (T) of 39338

section 3729.01 of the Revised Code or by dependent recreational 39339  
vehicles as defined in division (D) of section 3729.01 of the 39340  
Revised Code. 39341

(F) Except as provided in division (D)(3) of this section, 39342  
the manufactured home tax is due and payable as follows: 39343

(1) When a manufactured or mobile home has a situs in this 39344  
state, as provided in this section, on the first day of January, 39345  
one-half of the amount of the tax is due and payable on or before 39346  
the first day of March and the balance is due and payable on or 39347  
before the thirty-first day of July. At the option of the owner of 39348  
the home, the tax for the entire year may be paid in full on the 39349  
first day of March. 39350

(2) When a manufactured or mobile home first acquires a situs 39351  
in this state after the first day of January, no tax is due and 39352  
payable for that year. 39353

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 39354  
of this section, if one-half of the current taxes charged under 39355  
this section against a manufactured or mobile home, together with 39356  
the full amount of any delinquent taxes, are not paid on or before 39357  
the first day of March in that year, or on or before the last day 39358  
for such payment as extended pursuant to section 4503.063 of the 39359  
Revised Code, a penalty of ten per cent shall be charged against 39360  
the unpaid balance of such half of the current taxes. If the total 39361  
amount of all such taxes is not paid on or before the thirty-first 39362  
day of July, next thereafter, or on or before the last day for 39363  
payment as extended pursuant to section 4503.063 of the Revised 39364  
Code, a like penalty shall be charged on the balance of the total 39365  
amount of the unpaid current taxes. 39366

(b) After a valid delinquent tax contract that includes 39367  
unpaid current taxes from a first-half collection period described 39368  
in division (F) of this section has been entered into under 39369

section 323.31 of the Revised Code, no ten per cent penalty shall 39370  
be charged against such taxes after the second-half collection 39371  
period while the delinquent tax contract remains in effect. On the 39372  
day a delinquent tax contract becomes void, the ten per cent 39373  
penalty shall be charged against such taxes and shall equal the 39374  
amount of penalty that would have been charged against unpaid 39375  
current taxes outstanding on the date on which the second-half 39376  
penalty would have been charged thereon under division (G)(1)(a) 39377  
of this section if the contract had not been in effect. 39378

(2)(a) On the first day of the month following the last day 39379  
the second installment of taxes may be paid without penalty 39380  
beginning in 2000, interest shall be charged against and computed 39381  
on all delinquent taxes other than the current taxes that became 39382  
delinquent taxes at the close of the last day such second 39383  
installment could be paid without penalty. The charge shall be for 39384  
interest that accrued during the period that began on the 39385  
preceding first day of December and ended on the last day of the 39386  
month that included the last date such second installment could be 39387  
paid without penalty. The interest shall be computed at the rate 39388  
per annum prescribed by section 5703.47 of the Revised Code and 39389  
shall be entered as a separate item on the delinquent manufactured 39390  
home tax list compiled under division (H) of this section. 39391

(b) On the first day of December beginning in 2000, the 39392  
interest shall be charged against and computed on all delinquent 39393  
taxes. The charge shall be for interest that accrued during the 39394  
period that began on the first day of the month following the last 39395  
date prescribed for the payment of the second installment of taxes 39396  
in the current year and ended on the immediately preceding last 39397  
day of November. The interest shall be computed at the rate per 39398  
annum prescribed by section 5703.47 of the Revised Code and shall 39399  
be entered as a separate item on the delinquent manufactured home 39400  
tax list. 39401

(c) After a valid undertaking has been entered into for the 39402  
payment of any delinquent taxes, no interest shall be charged 39403  
against such delinquent taxes while the undertaking remains in 39404  
effect in compliance with section 323.31 of the Revised Code. If a 39405  
valid undertaking becomes void, interest shall be charged against 39406  
the delinquent taxes for the periods that interest was not 39407  
permitted to be charged while the undertaking was in effect. The 39408  
interest shall be charged on the day the undertaking becomes void 39409  
and shall equal the amount of interest that would have been 39410  
charged against the unpaid delinquent taxes outstanding on the 39411  
dates on which interest would have been charged thereon under 39412  
divisions (G)(1) and (2) of this section had the undertaking not 39413  
been in effect. 39414

(3) If the full amount of the taxes due at either of the 39415  
times prescribed by division (F) of this section is paid within 39416  
ten days after such time, the county treasurer shall waive the 39417  
collection of and the county auditor shall remit one-half of the 39418  
penalty provided for in this division for failure to make that 39419  
payment by the prescribed time. 39420

(4) The treasurer shall compile and deliver to the county 39421  
auditor a list of all tax payments the treasurer has received as 39422  
provided in division (G)(3) of this section. The list shall 39423  
include any information required by the auditor for the remission 39424  
of the penalties waived by the treasurer. The taxes so collected 39425  
shall be included in the settlement next succeeding the settlement 39426  
then in process. 39427

(H)(1) Beginning in 2000, the county auditor shall compile 39428  
annually a "delinquent manufactured home tax list" consisting of 39429  
homes the county treasurer's records indicate have taxes that were 39430  
not paid within the time prescribed by divisions (D)(3) and (F) of 39431  
this section, have taxes that remain unpaid from prior years, or 39432  
have unpaid tax penalties or interest that have been assessed. 39433

(2) Within thirty days after the settlement under division 39434  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 39435  
the county auditor shall deliver a copy of the delinquent 39436  
manufactured home tax list to the county treasurer. The auditor 39437  
shall update and publish the delinquent manufactured home tax list 39438  
annually in the same manner as delinquent real property tax lists 39439  
are published. The county auditor shall apportion the cost of 39440  
publishing the list among taxing districts in proportion to the 39441  
amount of delinquent manufactured home taxes so published that 39442  
each taxing district is entitled to receive upon collection of 39443  
those taxes. 39444

(3) When taxes, penalties, or interest are charged against a 39445  
person on the delinquent manufactured home tax list and are not 39446  
paid within sixty days after the list is delivered to the county 39447  
treasurer, the county treasurer shall, in addition to any other 39448  
remedy provided by law for the collection of taxes, penalties, and 39449  
interest, enforce collection of such taxes, penalties, and 39450  
interest by civil action in the name of the treasurer against the 39451  
owner for the recovery of the unpaid taxes following the 39452  
procedures for the recovery of delinquent real property taxes in 39453  
sections 323.25 to 323.28 of the Revised Code. The action may be 39454  
brought in municipal or county court, provided the amount charged 39455  
does not exceed the monetary limitations for original jurisdiction 39456  
for civil actions in those courts. 39457

It is sufficient, having made proper parties to the suit, for 39458  
the county treasurer to allege in the treasurer's bill of 39459  
particulars or petition that the taxes stand chargeable on the 39460  
books of the county treasurer against such person, that they are 39461  
due and unpaid, and that such person is indebted in the amount of 39462  
taxes appearing to be due the county. The treasurer need not set 39463  
forth any other matter relating thereto. If it is found on the 39464  
trial of the action that the person is indebted to the state, 39465

judgment shall be rendered in favor of the county treasurer 39466  
prosecuting the action. The judgment debtor is not entitled to the 39467  
benefit of any law for stay of execution or exemption of property 39468  
from levy or sale on execution in the enforcement of the judgment. 39469

Upon the filing of an entry of confirmation of sale or an 39470  
order of forfeiture in a proceeding brought under this division, 39471  
title to the manufactured or mobile home shall be in the 39472  
purchaser. The clerk of courts shall issue a certificate of title 39473  
to the purchaser upon presentation of proof of filing of the entry 39474  
of confirmation or order and, in the case of a forfeiture, 39475  
presentation of the county auditor's certificate of sale. 39476

(I) The total amount of taxes collected shall be distributed 39477  
in the following manner: four per cent shall be allowed as 39478  
compensation to the county auditor for the county auditor's 39479  
service in assessing the taxes; two per cent shall be allowed as 39480  
compensation to the county treasurer for the services the county 39481  
treasurer renders as a result of the tax levied by this section. 39482  
Such amounts shall be paid into the county treasury, to the credit 39483  
of the county general revenue fund, on the warrant of the county 39484  
auditor. Fees to be paid to the credit of the real estate 39485  
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 39486  
section 319.54 of the Revised Code and paid into the county 39487  
treasury, on the warrant of the county auditor. The balance of the 39488  
taxes collected shall be distributed among the taxing subdivisions 39489  
of the county in which the taxes are collected and paid in the 39490  
same ratio as those taxes were collected for the benefit of the 39491  
taxing subdivision. The taxes levied and revenues collected under 39492  
this section shall be in lieu of any general property tax and any 39493  
tax levied with respect to the privilege of using or occupying a 39494  
manufactured or mobile home in this state except as provided in 39495  
sections 4503.04 and 5741.02 of the Revised Code. 39496

(J) An agreement to purchase or a bill of sale for a 39497



manufactured home shall show whether or not the furnishings and 39498  
equipment are included in the purchase price. 39499

(K) If the county treasurer and the county prosecuting 39500  
attorney agree that an item charged on the delinquent manufactured 39501  
home tax list is uncollectible, they shall certify that 39502  
determination and the reasons to the county board of revision. If 39503  
the board determines the amount is uncollectible, it shall certify 39504  
its determination to the county auditor, who shall strike the item 39505  
from the list. 39506

(L)(1) The county auditor shall appraise at its true value 39507  
any manufactured or mobile home in which ownership is transferred 39508  
or which first acquires situs in this state on or after January 1, 39509  
2000, and any manufactured or mobile home the owner of which has 39510  
elected, under division (D)(4) of this section, to have the home 39511  
taxed under division (D)(2) of this section. The true value shall 39512  
include the value of the home, any additions, and any fixtures, 39513  
but not any furnishings in the home. In determining the true value 39514  
of a manufactured or mobile home, the auditor shall consider all 39515  
facts and circumstances relating to the value of the home, 39516  
including its age, its capacity to function as a residence, any 39517  
obsolete characteristics, and other factors that may tend to prove 39518  
its true value. 39519

(2)(a) If a manufactured or mobile home has been the subject 39520  
of an arm's length sale between a willing seller and a willing 39521  
buyer within a reasonable length of time prior to the 39522  
determination of true value, the county auditor shall consider the 39523  
sale price of the home to be the true value for taxation purposes. 39524

(b) The sale price in an arm's length transaction between a 39525  
willing seller and a willing buyer shall not be considered the 39526  
true value of the home if either of the following occurred after 39527  
the sale: 39528

(i) The home has lost value due to a casualty. 39529

(ii) An addition or fixture has been added to the home. 39530

(3) The county auditor shall have each home viewed and 39531  
appraised at least once in each six-year period in the same year 39532  
in which real property in the county is appraised pursuant to 39533  
Chapter 5713. of the Revised Code, and shall update the appraised 39534  
values in the third calendar year following the appraisal. The 39535  
person viewing or appraising a home may enter the home to 39536  
determine by actual view any additions or fixtures that have been 39537  
added since the last appraisal. In conducting the appraisals and 39538  
establishing the true value, the auditor shall follow the 39539  
procedures set forth for appraising real property in sections 39540  
5713.01 and 5713.03 of the Revised Code. 39541

(4) The county auditor shall place the true value of each 39542  
home on the manufactured home tax list upon completion of an 39543  
appraisal. 39544

(5)(a) If the county auditor changes the true value of a 39545  
home, the auditor shall notify the owner of the home in writing, 39546  
delivered by mail or in person. The notice shall be given at least 39547  
thirty days prior to the issuance of any tax bill that reflects 39548  
the change. Failure to receive the notice does not invalidate any 39549  
proceeding under this section. 39550

(b) Any owner of a home or any other person or party listed 39551  
in division (A)(1) of section 5715.19 of the Revised Code may file 39552  
a complaint against the true value of the home as appraised under 39553  
this section. The complaint shall be filed with the county auditor 39554  
on or before the thirty-first day of March of the current tax year 39555  
or the date of closing of the collection for the first half of 39556  
manufactured home taxes for the current tax year, whichever is 39557  
later. The auditor shall present to the county board of revision 39558  
all complaints filed with the auditor under this section. The 39559

board shall hear and investigate the complaint and may take action 39560  
on it as provided under sections 5715.11 to 5715.19 of the Revised 39561  
Code. 39562

(c) If the county board of revision determines, pursuant to a 39563  
complaint against the valuation of a manufactured or mobile home 39564  
filed under this section, that the amount of taxes, assessments, 39565  
or other charges paid was in excess of the amount due based on the 39566  
valuation as finally determined, then the overpayment shall be 39567  
refunded in the manner prescribed in section 5715.22 of the 39568  
Revised Code. 39569

(d) Payment of all or part of a tax under this section for 39570  
any year for which a complaint is pending before the county board 39571  
of revision does not abate the complaint or in any way affect the 39572  
hearing and determination thereof. 39573

(M) If the county auditor determines that any tax or other 39574  
charge or any part thereof has been erroneously charged as a 39575  
result of a clerical error as defined in section 319.35 of the 39576  
Revised Code, the county auditor shall call the attention of the 39577  
county board of revision to the erroneous charges. If the board 39578  
finds that the taxes or other charges have been erroneously 39579  
charged or collected, it shall certify the finding to the auditor. 39580  
Upon receipt of the certification, the auditor shall remove the 39581  
erroneous charges on the manufactured home tax list or delinquent 39582  
manufactured home tax list in the same manner as is prescribed in 39583  
section 319.35 of the Revised Code for erroneous charges against 39584  
real property, and refund any erroneous charges that have been 39585  
collected, with interest, in the same manner as is prescribed in 39586  
section 319.36 of the Revised Code for erroneous charges against 39587  
real property. 39588

(N) As used in this section and section 4503.061 of the 39589  
Revised Code: 39590

(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H)(5) of section 4503.061 of the Revised Code.

(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent.

(3) "Delinquent taxes" means:

(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year, and that remain unpaid;

(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest.

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list.

(B) When a manufactured or mobile home first acquires situs in this state and is subject to real property taxation pursuant to

division (B)(1) or (2) of section 4503.06 of the Revised Code, the 39621  
owner shall present to the auditor of the county containing the 39622  
taxing district in which the home has its situs the certificate of 39623  
title for the home, together with proof that all taxes due have 39624  
been paid and proof that a relocation notice was obtained for the 39625  
home if required under this section. Upon receiving the 39626  
certificate of title and the required proofs, the auditor shall 39627  
place the home on the real property tax list and proceed to treat 39628  
the home as other properties on that list. After the auditor has 39629  
placed the home on the tax list of real and public utility 39630  
property, the auditor shall deliver the certificate of title to 39631  
the clerk of the court of common pleas that issued it pursuant to 39632  
section 4505.11 of the Revised Code, and the clerk shall 39633  
inactivate the certificate of title. 39634

(C)(1) When a manufactured or mobile home subject to a 39635  
manufactured home tax is relocated to or first acquires situs in 39636  
any county that has adopted a permanent manufactured home 39637  
registration system, as provided in division (F) of this section, 39638  
the owner, within thirty days after the home is relocated or first 39639  
acquires situs under section 4503.06 of the Revised Code, shall 39640  
register the home with the county auditor of the county containing 39641  
the taxing district in which the home has its situs. For the first 39642  
registration in each county of situs, the owner or vendee in 39643  
possession shall present to the county auditor an Ohio certificate 39644  
of title, certified copy of the certificate of title, or 39645  
memorandum certificate of title as such are required by law, and 39646  
proof, as required by the county auditor, that the home, if it has 39647  
previously been occupied and is being relocated, has been 39648  
previously registered, that all taxes due and required to be paid 39649  
under division (H)(1) of this section before a relocation notice 39650  
may be issued have been paid, and that a relocation notice was 39651  
obtained for the home if required by division (H) of this section. 39652  
If the owner or vendee does not possess the Ohio certificate of 39653

title, certified copy of the certificate of title, or memorandum 39654  
certificate of title at the time the owner or vendee first 39655  
registers the home in a county, the county auditor shall register 39656  
the home without presentation of the document, but the owner or 39657  
vendee shall present the certificate of title, certified copy of 39658  
the certificate of title, or memorandum certificate of title to 39659  
the county auditor within fourteen days after the owner or vendee 39660  
obtains possession of the document. 39661

(2) When a manufactured or mobile home is registered for the 39662  
first time in a county and when the total tax due has been paid as 39663  
required by division (F) of section 4503.06 of the Revised Code or 39664  
divisions (E) and (H) of this section, the county treasurer shall 39665  
note by writing or by a stamp on the certificate of title, 39666  
certified copy of certificate of title, or memorandum certificate 39667  
of title that the home has been registered and that the taxes due, 39668  
if any, have been paid for the preceding five years and for the 39669  
current year. The treasurer shall then issue a certificate 39670  
evidencing registration and a decal to be displayed on the street 39671  
side of the home. The certificate is valid in any county in this 39672  
state during the year for which it is issued. 39673

(3) For each year thereafter, the county treasurer shall 39674  
issue a tax bill stating the amount of tax due under section 39675  
4503.06 of the Revised Code, as provided in division (D)(6) of 39676  
that section. When the total tax due has been paid as required by 39677  
division (F) of that section, the county treasurer shall issue a 39678  
certificate evidencing registration that shall be valid in any 39679  
county in this state during the year for which the certificate is 39680  
issued. 39681

(4) The permanent decal issued under this division is valid 39682  
during the period of ownership, except that when a manufactured 39683  
home is relocated in another county the owner shall apply for a 39684  
new registration as required by this section and section 4503.06 39685

of the Revised Code. 39686

(D)(1) All owners of manufactured or mobile homes subject to 39687  
the manufactured home tax being relocated to or having situs in a 39688  
county that has not adopted a permanent registration system, as 39689  
provided in division (F) of this section, shall register the home 39690  
within thirty days after the home is relocated or first acquires 39691  
situs under section 4503.06 of the Revised Code and thereafter 39692  
shall annually register the home with the county auditor of the 39693  
county containing the taxing district in which the home has its 39694  
situs. 39695

(2) Upon the annual registration, the county treasurer shall 39696  
issue a tax bill stating the amount of annual manufactured home 39697  
tax due under section 4503.06 of the Revised Code, as provided in 39698  
division (D)(6) of that section. When a manufactured or mobile 39699  
home is registered and when the tax for the current one-half year 39700  
has been paid as required by division (F) of that section, the 39701  
county treasurer shall issue a certificate evidencing registration 39702  
and a decal. The certificate and decal are valid in any county in 39703  
this state during the year for which they are issued. The decal 39704  
shall be displayed on the street side of the home. 39705

(3) For the first annual registration in each county of 39706  
situs, the county auditor shall require the owner or vendee to 39707  
present an Ohio certificate of title, certified copy of the 39708  
certificate of title, or memorandum certificate of title as such 39709  
are required by law, and proof, as required by the county auditor, 39710  
that the manufactured or mobile home has been previously 39711  
registered, if such registration was required, that all taxes due 39712  
and required to be paid under division (H)(1) of this section 39713  
before a relocation notice may be issued have been paid, and that 39714  
a relocation notice was obtained for the home if required by 39715  
division (H) of this section. If the owner or vendee does not 39716  
possess the Ohio certificate of title, certified copy of the 39717

certificate of title, or memorandum certificate of title at the 39718  
time the owner or vendee first registers the home in a county, the 39719  
county auditor shall register the home without presentation of the 39720  
document, but the owner or vendee shall present the certificate of 39721  
title, certified copy of the certificate of title, or memorandum 39722  
certificate of title to the county auditor within fourteen days 39723  
after the owner or vendee obtains possession of the document. When 39724  
the county treasurer receives the tax payment, the county 39725  
treasurer shall note by writing or by a stamp on the certificate 39726  
of title, certified copy of the certificate of title, or 39727  
memorandum certificate of title that the home has been registered 39728  
for the current year and that the manufactured home taxes due, if 39729  
any, have been paid for the preceding five years and for the 39730  
current year. 39731

(4) For subsequent annual registrations, the auditor may 39732  
require the owner or vendee in possession to present an Ohio 39733  
certificate of title, certified copy of the certificate of title, 39734  
or memorandum certificate of title to the county treasurer upon 39735  
payment of the manufactured home tax that is due. 39736

(E)(1) Upon the application to transfer ownership of a 39737  
manufactured or mobile home for which manufactured home taxes are 39738  
paid pursuant to division (C) of section 4503.06 of the Revised 39739  
Code the clerk of the court of common pleas shall not issue any 39740  
certificate of title that does not contain or have attached both 39741  
of the following: 39742

(a) An endorsement of the county treasurer stating that the 39743  
home has been registered for each year of ownership and that all 39744  
manufactured home taxes imposed pursuant to section 4503.06 of the 39745  
Revised Code have been paid or that no tax is due; 39746

(b) An endorsement of the county auditor that the 39747  
manufactured home transfer tax imposed pursuant to section 322.06 39748  
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 39749



section 319.54 of the Revised Code have been paid. 39750

(2) If all the taxes have not been paid, the clerk shall 39751  
notify the vendee to contact the county treasurer of the county 39752  
containing the taxing district in which the home has its situs at 39753  
the time of the proposed transfer. The county treasurer shall then 39754  
collect all the taxes that are due for the year of the transfer 39755  
and all previous years not exceeding a total of five years. The 39756  
county treasurer shall distribute that part of the collection owed 39757  
to the county treasurer of other counties if the home had its 39758  
situs in another county during a particular year when the unpaid 39759  
tax became due and payable. The burden to prove the situs of the 39760  
home in the years that the taxes were not paid is on the 39761  
transferor of the home. Upon payment of the taxes, the county 39762  
auditor shall remove all remaining taxes from the manufactured 39763  
home tax list and the delinquent manufactured home tax list, and 39764  
the county treasurer shall release all liens for such taxes. The 39765  
clerk of courts shall issue a certificate of title, free and clear 39766  
of all liens for manufactured home taxes, to the transferee of the 39767  
home. 39768

(3) Once the transfer is complete and the certificate of 39769  
title has been issued, the transferee shall register the 39770  
manufactured or mobile home pursuant to division (C) or (D) of 39771  
this section with the county auditor of the county containing the 39772  
taxing district in which the home remains after the transfer or, 39773  
if the home is relocated to another county, with the county 39774  
auditor of the county to which the home is relocated. The 39775  
transferee need not pay the annual tax for the year of acquisition 39776  
if the original owner has already paid the annual tax for that 39777  
year. 39778

(F) The county auditor may adopt a permanent registration 39779  
system and issue a permanent decal with the first registration as 39780  
prescribed by the tax commissioner. 39781

(G) When any manufactured or mobile home required to be 39782  
registered by this section is not registered, the county auditor 39783  
shall impose a penalty of one hundred dollars upon the owner and 39784  
deposit the amount to the credit of the county real estate 39785  
assessment fund to be used to pay the costs of administering this 39786  
section and section 4503.06 of the Revised Code. If unpaid, the 39787  
penalty shall constitute a lien on the home and shall be added by 39788  
the county auditor to the manufactured home tax list for 39789  
collection. 39790

(H)(1) Except as otherwise provided in this division, before 39791  
moving a manufactured or mobile home on public roads from one 39792  
address within this state to another address within or outside 39793  
this state, the owner of the home shall obtain a relocation 39794  
notice, as provided by this section, from the auditor of the 39795  
county in which the home is located if the home is currently 39796  
subject to taxation pursuant to section 4503.06 of the Revised 39797  
Code. The auditor shall charge five dollars for the notice, and 39798  
deposit the amount to the credit of the county real estate 39799  
assessment fund to be used to pay the costs of administering this 39800  
section and section 4503.06 of the Revised Code. The auditor shall 39801  
not issue a relocation notice unless all taxes owed on the home 39802  
under section 4503.06 of the Revised Code that were first charged 39803  
to the home during the period of ownership of the owner seeking 39804  
the relocation notice have been paid. If the home is being moved 39805  
by a new owner of the home or by a party taking repossession of 39806  
the home, the auditor shall not issue a relocation notice unless 39807  
all of the taxes due for the preceding five years and for the 39808  
current year have been paid. A relocation notice issued by a 39809  
county auditor is valid until the last day of December of the year 39810  
in which it was issued. 39811

If the home is being moved by a sheriff, police officer, 39812  
constable, bailiff, or manufactured home park operator, as defined 39813

in section 3733.01 of the Revised Code, or any agent of any of 39814  
these persons, for purposes of removal from a manufactured home 39815  
park and storage, sale, or destruction under section 1923.14 of 39816  
the Revised Code, the auditor shall issue a relocation notice 39817  
without requiring payment of any taxes owed on the home under 39818  
section 4503.06 of the Revised Code. 39819

(2) If a manufactured or mobile home is not yet subject to 39820  
taxation under section 4503.06 of the Revised Code, the owner of 39821  
the home shall obtain a relocation notice from the dealer of the 39822  
home. Within thirty days after the manufactured or mobile home is 39823  
purchased, the dealer of the home shall provide the auditor of the 39824  
county in which the home is to be located written notice of the 39825  
name of the purchaser of the home, the registration number or 39826  
vehicle identification number of the home, and the address or 39827  
location to which the home is to be moved. The county auditor 39828  
shall provide to each manufactured and mobile home dealer, without 39829  
charge, a supply of relocation notices to be distributed to 39830  
purchasers pursuant to this section. 39831

(3) The notice shall be in the form of a one-foot square 39832  
yellow sign with the words "manufactured home relocation notice" 39833  
printed prominently on it. The name of the owner of the home, the 39834  
home's registration number or vehicle identification number, the 39835  
county and the address or location to which the home is being 39836  
moved, and the county in which the notice is issued shall also be 39837  
entered on the notice. 39838

(4) The relocation notice must be attached to the rear of the 39839  
home when the home is being moved on a public road. Except as 39840  
provided in divisions (H)(1) and (5) of this section, no person 39841  
shall drive a motor vehicle moving a manufactured or mobile home 39842  
on a public road from one address to another address within this 39843  
state unless a relocation notice is attached to the rear of the 39844  
home. 39845

(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.

**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of the Revised Code:

(A) "Sixty-five years of age or older" means a person who will be age sixty-five or older in the calendar year following the year of application for reduction in the assessable value of the

person's manufactured or mobile home. 39877

~~(B) "Total income" means the adjusted gross income of the 39878  
owner and the owner's spouse for the year preceding the year in 39879  
which application for a reduction in taxes is made, as determined 39880  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 39881  
U.S.C.A. 1, as amended, adjusted as follows: 39882~~

~~(1) Subtract the amount of disability benefits included in 39883  
adjusted gross income but not to exceed five thousand two hundred 39884  
dollars; 39885~~

~~(2) Add old age and survivors benefits received pursuant to 39886  
the "Social Security Act" that are not included in adjusted gross 39887  
income; 39888~~

~~(3) Add retirement, pension, annuity, or other retirement 39889  
payments or benefits not included in adjusted gross income; 39890~~

~~(4) Add tier I and II railroad retirement benefits received 39891  
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 39892  
228; 39893~~

~~(5) Add interest on federal, state, and local government 39894  
obligations; 39895~~

~~(6) For a person who received the homestead exemption for a 39896  
prior year on the basis of being permanently and totally disabled 39897  
and whose current application for the exemption is made on the 39898  
basis of age, subtract the following amount: 39899~~

~~(a) If the person received disability benefits that were not 39900  
included in adjusted gross income in the year preceding the first 39901  
year in which the person applied for the exemption on the basis of 39902  
age, subtract an amount equal to the disability benefits the 39903  
person received in that preceding year, to the extent included in 39904  
total income in the current year and not subtracted under division 39905  
(B)(1) of this section in the current year; 39906~~

~~(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.~~

~~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.~~

~~(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:~~

~~(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.~~

~~(2) 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 preceding the year in which the applicant's application for reduction is first successfully made, 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 39938  
under division (C)(1) of this section, upon which the surviving 39939  
spouse's survivors benefits are based under the social security or 39940  
railroad retirement laws, except in those cases where a change in 39941  
benefits would cause a reduction in income. 39942~~

~~Survivors benefits are those described in division (C)(2)(b) 39943  
of this section only if the deceased spouse received old age 39944  
benefits in the year in which the deceased died. If the deceased 39945  
spouse did not receive old age benefits in the year in which the 39946  
deceased died, then survivors benefits are those described in 39947  
division (C)(2)(a) of this section. 39948~~

~~(D) "Permanently and totally disabled" means a person who, on 39949  
the first day of January of the year of application, including 39950  
late application, for reduction in the assessable value of a 39951  
manufactured or mobile home, has some impairment in body or mind 39952  
that makes the person unable to work at any substantially 39953  
remunerative employment which the person is reasonably able to 39954  
perform and which will, with reasonable probability, continue for 39955  
an indefinite period of at least twelve months without any present 39956  
indication of recovery therefrom or has been certified as 39957  
permanently and totally disabled by a state or federal agency 39958  
having the function of so classifying persons. 39959~~

~~(E)(C) "Homestead exemption" means the reduction in taxes 39960  
allowed under division (A) of section 323.152 of the Revised Code 39961  
for the year in which an application is filed under section 39962  
4503.066 of the Revised Code. 39963~~

~~(F)(D) "Manufactured home" has the meaning given in division 39964  
(C)(4) of section 3781.06 of the Revised Code, and includes a 39965  
structure consisting of two manufactured homes that were purchased 39966  
either together or separately and are combined to form a single 39967  
dwelling, but does not include a manufactured home that is taxed 39968  
as real property pursuant to division (B) of section 4503.06 of 39969~~

the Revised Code. 39970

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of 39971  
section 4501.01 of the Revised Code and includes a structure 39972  
consisting of two mobile homes that were purchased together or 39973  
separately and combined to form a single dwelling, but does not 39974  
include a mobile home that is taxed as real property pursuant to 39975  
division (B) of section 4503.06 of the Revised Code. 39976

~~(H)~~(F) "Late application" means an application filed with an 39977  
original application under division (A)(3) of section 4503.066 of 39978  
the Revised Code. 39979

**Sec. 4503.065.** (A) This section applies to any of the 39980  
following: 39981

(1) An individual who is permanently and totally disabled; 39982

(2) An individual who is sixty-five years of age or older; 39983

(3) An individual who is the surviving spouse of a deceased 39984  
person who was permanently and totally disabled or sixty-five 39985  
years of age or older and who applied and qualified for a 39986  
reduction in assessable value under this section in the year of 39987  
death, provided the surviving spouse is at least fifty-nine but 39988  
not sixty-five or more years of age on the date the deceased 39989  
spouse dies. 39990

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile 39991  
home that is paid pursuant to division (C) of section 4503.06 of 39992  
the Revised Code and that is owned and occupied as a home by an 39993  
individual whose domicile is in this state and to whom this 39994  
section applies, shall be reduced for any tax year for which the 39995  
owner obtains a certificate of reduction from the county auditor 39996  
under section 4503.067 of the Revised Code, provided the 39997  
individual did not acquire ownership from a person, other than the 39998  
individual's spouse, related by consanguinity or affinity for the 39999



purpose of qualifying for the reduction in assessable value. An 40000  
owner includes a settlor of a revocable inter vivos trust holding 40001  
the title to a manufactured or mobile home occupied by the settlor 40002  
as of right under the trust. The 40003

(1) For manufactured and mobile homes for which the tax 40004  
imposed by section 4503.06 of the Revised Code is computed under 40005  
division (D)(2) of that section, the reduction shall equal the 40006  
amount obtained by multiplying the tax rate for the tax year for 40007  
which the certificate is issued by the reduction in assessable 40008  
value shown in the following schedule. 40009

	<del>Reduce Assessable Value</del>	
<del>Total Income</del>	<del>by the Lesser of:</del>	
	<del>Column A</del>	<del>Column B</del>
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	40013
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	40014
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	40015
<del>More than \$23,000</del>	<del>-0-</del>	40016

~~(2) Each calendar year, the tax commissioner shall adjust the~~ 40017  
~~foregoing schedule by completing the following calculations in~~ 40018  
~~September of each year:~~ 40019

~~(a) Determine the percentage increase in the gross domestic~~ 40020  
~~product deflator determined by the bureau of economic analysis of~~ 40021  
~~the United States department of commerce from the first day of~~ 40022  
~~January of the preceding calendar year to the last day of December~~ 40023  
~~of the preceding calendar year;~~ 40024

~~(b) Multiply that percentage increase by each of the total~~ 40025  
~~income amounts, and by each dollar amount by which assessable~~ 40026  
~~value is reduced, for the ensuing tax year;~~ 40027

~~(c) Add the resulting product to each of the total income~~ 40028

~~amounts, and to each of the dollar amounts by which assessable value is reduced, for the ensuing tax year;~~ 40029  
40030

~~(d)(i) Except as provided in division (B)(2)(d)(ii) of this section, round the resulting sum to the nearest multiple of one hundred dollars;~~ 40031  
40032  
40033

~~(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (B)(2)(d)(i) of this section does not increase the dollar amounts by which assessable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~ 40034  
40035  
40036  
40037  
40038

~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the second ensuing tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which assessable value is reduced, for the ensuing tax year greater of the reduction granted for 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:~~ 40039  
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40041  
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40050

~~(a) Twenty-five thousand dollars of the true value of the property in money;~~ 40051  
40052

~~(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;~~ 40053  
40054  
40055

~~(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;~~ 40056  
40057  
40058  
40059

(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code. 40060  
40061  
40062  
40063

(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: 40064  
40065  
40066  
40067  
40068  
40069  
40070  
40071

(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; 40072  
40073  
40074  
40075

(b) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code; 40076  
40077

(c) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code; 40078  
40079

(d) The tax rate of the taxing district in which the home has its situs. 40080  
40081

(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction in assessable value to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction in assessable value to which the owner or spouse is entitled under column A of the above schedule division (B) of this section and the amount of the reduction in taxable value that was used to compute under the homestead exemption. 40082  
40083  
40084  
40085  
40086  
40087  
40088  
40089  
40090

(D) No reduction shall be made ~~on the assessable value of~~ 40091  
with respect to the home of any person convicted of violating 40092  
division (C) or (D) of section 4503.066 of the Revised Code for a 40093  
period of three years following the conviction. 40094

**Sec. 4503.066.** (A)(1) To obtain a tax reduction ~~in the~~ 40095  
~~assessable value of a manufactured or mobile home~~ under section 40096  
4503.065 of the Revised Code, the owner of the home shall file an 40097  
application with the county auditor of the county in which the 40098  
home is located. An application for reduction in ~~assessable value~~ 40099  
taxes based upon a physical disability shall be accompanied by a 40100  
certificate signed by a physician, and an application for 40101  
reduction in ~~assessable value~~ taxes based upon a mental disability 40102  
shall be accompanied by a certificate signed by a physician or 40103  
psychologist licensed to practice in this state. The certificate 40104  
shall attest to the fact that the applicant is permanently and 40105  
totally disabled, shall be in a form that the department of 40106  
taxation requires, and shall include the definition of totally and 40107  
permanently disabled as set forth in section 4503.064 of the 40108  
Revised Code. An application for reduction in ~~assessable value~~ 40109  
taxes based upon a disability certified as permanent and total by 40110  
a state or federal agency having the function of so classifying 40111  
persons shall be accompanied by a certificate from that agency. 40112

(2) Each application shall constitute a continuing 40113  
application for a reduction in ~~assessable value~~ taxes for each 40114  
year in which the manufactured or mobile home is occupied by the 40115  
applicant ~~and in which the amount of the reduction in assessable~~ 40116  
~~value does not exceed either the amount or per cent of the~~ 40117  
~~reduction for the year in which the application was first filed.~~ 40118  
Failure to receive a new application or notification under 40119  
division (B) of this section after a certificate of reduction has 40120  
been issued under section 4503.067 of the Revised Code is 40121  
prima-facie evidence that the original applicant is entitled to 40122

the reduction in ~~assessable value~~ calculated on the basis of the 40123  
information contained in the original application. The original 40124  
application and any subsequent application shall be in the form of 40125  
a signed statement and shall be filed not later than the first 40126  
Monday in June. The statement shall be on a form, devised and 40127  
supplied by the tax commissioner, that shall require no more 40128  
information than is necessary to establish the applicant's 40129  
eligibility for the reduction in ~~assessable value~~ taxes and the 40130  
amount of the reduction to which the applicant is entitled. ~~The~~ 40131  
~~form shall contain a statement that signing such application~~ 40132  
~~constitutes a delegation of authority by the applicant to the~~ 40133  
~~county auditor to examine any financial records that relate to~~ 40134  
~~income earned by the applicant as stated on the application for~~ 40135  
~~the purpose of determining eligibility under, or possible~~ 40136  
~~violation of, division (C) or (D) of this section.~~ The form also 40137  
shall contain a statement that conviction of willfully falsifying 40138  
information to obtain a reduction in ~~assessable value~~ taxes or 40139  
failing to comply with division (B) of this section shall result 40140  
in the revocation of the right to the reduction for a period of 40141  
three years. 40142

(3) A late application for a reduction in ~~assessable value~~ 40143  
taxes for the year preceding the year for which an original 40144  
application is filed may be filed with an original application. If 40145  
the auditor determines that the information contained in the late 40146  
application is correct, the auditor shall determine both the 40147  
amount of the reduction in ~~assessable value~~ taxes to which the 40148  
applicant would have been entitled for the current tax year had 40149  
the application been timely filed and approved in the preceding 40150  
year, and the amount the taxes levied under section 4503.06 of the 40151  
Revised Code for the current year would have been reduced as a 40152  
result of the reduction in ~~assessable value~~. When an applicant is 40153  
permanently and totally disabled on the first day of January of 40154  
the year in which the applicant files a late application, the 40155

auditor, in making the determination of the amounts of the 40156  
reduction in ~~assessable value and~~ taxes under division (A)(3) of 40157  
this section, is not required to determine that the applicant was 40158  
permanently and totally disabled on the first day of January of 40159  
the preceding year. 40160

The amount of the reduction in taxes pursuant to a late 40161  
application shall be treated as an overpayment of taxes by the 40162  
applicant. The auditor shall credit the amount of the overpayment 40163  
against the amount of the taxes or penalties then due from the 40164  
applicant, and, at the next succeeding settlement, the amount of 40165  
the credit shall be deducted from the amount of any taxes or 40166  
penalties distributable to the county or any taxing unit in the 40167  
county that has received the benefit of the taxes or penalties 40168  
previously overpaid, in proportion to the benefits previously 40169  
received. If, after the credit has been made, there remains a 40170  
balance of the overpayment, or if there are no taxes or penalties 40171  
due from the applicant, the auditor shall refund that balance to 40172  
the applicant by a warrant drawn on the county treasurer in favor 40173  
of the applicant. The treasurer shall pay the warrant from the 40174  
general fund of the county. If there is insufficient money in the 40175  
general fund to make the payment, the treasurer shall pay the 40176  
warrant out of any undivided manufactured or mobile home taxes 40177  
subsequently received by the treasurer for distribution to the 40178  
county or taxing district in the county that received the benefit 40179  
of the overpaid taxes, in proportion to the benefits previously 40180  
received, and the amount paid from the undivided funds shall be 40181  
deducted from the money otherwise distributable to the county or 40182  
taxing district in the county at the next or any succeeding 40183  
distribution. At the next or any succeeding distribution after 40184  
making the refund, the treasurer shall reimburse the general fund 40185  
for any payment made from that fund by deducting the amount of 40186  
that payment from the money distributable to the county or other 40187  
taxing unit in the county that has received the benefit of the 40188

taxes, in proportion to the benefits previously received. On the 40189  
second Monday in September of each year, the county auditor shall 40190  
certify the total amount of the reductions in taxes made in the 40191  
current year under division (A)(3) of this section to the tax 40192  
commissioner who shall treat that amount as a reduction in taxes 40193  
for the current tax year and shall make reimbursement to the 40194  
county of that amount in the manner prescribed in section 4503.068 40195  
of the Revised Code, from moneys appropriated for that purpose. 40196

(B) If in any year after an application has been filed under 40197  
division (A) of this section the owner no longer qualifies for the 40198  
reduction in ~~assessable value~~ taxes for which the owner was issued 40199  
a certificate ~~or qualifies for a reduction that is less than~~ 40200  
~~either the per cent or amount of the reduction to which the owner~~ 40201  
~~was entitled in the year the application was filed,~~ the owner 40202  
shall notify the county auditor that the owner is not qualified 40203  
for a reduction in ~~the assessable value of the home or file a new~~ 40204  
~~application under division (A) of this section~~ taxes. 40205

During January of each year, the county auditor shall furnish 40206  
each person issued a certificate of reduction ~~in value,~~ by 40207  
ordinary mail, a form on which to report any ~~changes in total~~ 40208  
~~income that would have the effect of increasing or decreasing the~~ 40209  
~~reduction to which the person is entitled,~~ changes in ownership of 40210  
the home, including changes in or revocation of a revocable inter 40211  
vivos trust, changes in disability, and other changes in the 40212  
information earlier furnished the auditor relative to the 40213  
application. ~~The form shall be completed and returned to the~~ 40214  
~~auditor not later than the first Monday in June if the changes~~ 40215  
~~would affect the level of reduction in assessable value.~~ 40216

(C) No person shall knowingly make a false statement for the 40217  
purpose of obtaining a reduction in ~~assessable value~~ taxes under 40218  
section 4503.065 of the Revised Code. 40219

(D) No person shall knowingly fail to notify the county 40220

auditor of any change required by division (B) of this section 40221  
that has the effect of maintaining or securing a reduction in 40222  
~~assessable value of the home in excess of the reduction allowed~~ 40223  
taxes under section 4503.065 of the Revised Code. 40224

(E) No person shall knowingly make a false statement or 40225  
certification attesting to any person's physical or mental 40226  
condition for purposes of qualifying such person for tax relief 40227  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 40228

(F) Whoever violates division (C), (D), or (E) of this 40229  
section is guilty of a misdemeanor of the fourth degree. 40230

**Sec. 4503.067.** (A) At the same time the tax bill for the 40231  
first half of the tax year is issued, the county auditor shall 40232  
issue a certificate of reduction in ~~assessable value of~~ taxes for 40233  
a manufactured or mobile home in triplicate for each person who 40234  
has complied with section 4503.066 of the Revised Code and been 40235  
found by the auditor to be entitled to a reduction ~~of assessable~~ 40236  
value in taxes for the succeeding tax year. The certificate shall 40237  
set forth the ~~assessable value of the home calculated under~~ 40238  
~~section 4503.06 of the Revised Code and the amount of the~~ 40239  
reduction in ~~assessable value of the home~~ taxes calculated under 40240  
section 4503.065 of the Revised Code. Upon issuance of the 40241  
certificate, the auditor shall reduce the ~~assessable value of~~ 40242  
manufactured home tax levied on the home for the succeeding tax 40243  
year by the required amount and forward the original and one copy 40244  
of the certificate to the county treasurer. The auditor shall 40245  
retain one copy of the certificate. The treasurer shall retain the 40246  
original certificate and forward the remaining copy to the 40247  
recipient with the tax bill delivered pursuant to division (D)(6) 40248  
of section 4503.06 of the Revised Code. 40249

(B) If the application or a continuing application is not 40250  
approved, the auditor shall notify the applicant of the reasons 40251



for denial no later than the first Monday in October. If a person 40252  
believes that the person's application for reduction in ~~assessable~~ 40253  
~~value of a home~~ taxes has been improperly denied or is for less 40254  
than that to which the person is entitled, the person may file an 40255  
appeal with the county board of revision no later than the 40256  
thirty-first day of January of the following calendar year. The 40257  
appeal shall be treated in the same manner as a complaint relating 40258  
to the valuation or assessment of real property under Chapter 40259  
5715. of the Revised Code. 40260

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 40261  
motorcycle, and all-purpose vehicle required to be registered 40262  
under section 4519.02 of the Revised Code shall file an 40263  
application for registration under section 4519.03 of the Revised 40264  
Code. The owner of a motor vehicle, other than a snowmobile, 40265  
off-highway motorcycle, or all-purpose vehicle, that is not 40266  
designed and constructed by the manufacturer for operation on a 40267  
street or highway may not register it under this chapter except 40268  
upon certification of inspection pursuant to section 4513.02 of 40269  
the Revised Code by the sheriff, or the chief of police of the 40270  
municipal corporation or township, with jurisdiction over the 40271  
political subdivision in which the owner of the motor vehicle 40272  
resides. Except as provided in section 4503.103 of the Revised 40273  
Code, every owner of every other motor vehicle not previously 40274  
described in this section and every person mentioned as owner in 40275  
the last certificate of title of a motor vehicle that is operated 40276  
or driven upon the public roads or highways shall cause to be 40277  
filed each year, by mail or otherwise, in the office of the 40278  
registrar of motor vehicles or a deputy registrar, a written or 40279  
electronic application or a preprinted registration renewal notice 40280  
issued under section 4503.102 of the Revised Code, the form of 40281  
which shall be prescribed by the registrar, for registration for 40282  
the following registration year, which shall begin on the first 40283

day of January of every calendar year and end on the thirty-first 40284  
day of December in the same year. Applications for registration 40285  
and registration renewal notices shall be filed at the times 40286  
established by the registrar pursuant to section 4503.101 of the 40287  
Revised Code. A motor vehicle owner also may elect to apply for or 40288  
renew a motor vehicle registration by electronic means using 40289  
electronic signature in accordance with rules adopted by the 40290  
registrar. Except as provided in division (J) of this section, 40291  
applications for registration shall be made on blanks furnished by 40292  
the registrar for that purpose, containing the following 40293  
information: 40294

(1) A brief description of the motor vehicle to be 40295  
registered, including the year, make, model, and vehicle 40296  
identification number, and, in the case of commercial cars, the 40297  
gross weight of the vehicle fully equipped computed in the manner 40298  
prescribed in section 4503.08 of the Revised Code; 40299

(2) The name and residence address of the owner, and the 40300  
township and municipal corporation in which the owner resides; 40301

(3) The district of registration, which shall be determined 40302  
as follows: 40303

(a) In case the motor vehicle to be registered is used for 40304  
hire or principally in connection with any established business or 40305  
branch business, conducted at a particular place, the district of 40306  
registration is the municipal corporation in which that place is 40307  
located or, if not located in any municipal corporation, the 40308  
county and township in which that place is located. 40309

(b) In case the vehicle is not so used, the district of 40310  
registration is the municipal corporation or county in which the 40311  
owner resides at the time of making the application. 40312

(4) Whether the motor vehicle is a new or used motor vehicle; 40313

(5) The date of purchase of the motor vehicle; 40314

(6) Whether the fees required to be paid for the registration 40315  
or transfer of the motor vehicle, during the preceding 40316  
registration year and during the preceding period of the current 40317  
registration year, have been paid. Each application for 40318  
registration shall be signed by the owner, either manually or by 40319  
electronic signature, or pursuant to obtaining a limited power of 40320  
attorney authorized by the registrar for registration, or other 40321  
document authorizing such signature. If the owner elects to apply 40322  
for or renew the motor vehicle registration with the registrar by 40323  
electronic means, the owner's manual signature is not required. 40324

(7) The owner's social security number, driver's license 40325  
number, or state identification number, or, where a motor vehicle 40326  
to be registered is used for hire or principally in connection 40327  
with any established business, the owner's federal taxpayer 40328  
identification number. The bureau of motor vehicles shall retain 40329  
in its records all social security numbers provided under this 40330  
section, but the bureau shall not place social security numbers on 40331  
motor vehicle certificates of registration. 40332

(B) Except as otherwise provided in this division, each time 40333  
an applicant first registers a motor vehicle in the applicant's 40334  
name, the applicant shall present for inspection a physical 40335  
certificate of title or memorandum certificate showing title to 40336  
the motor vehicle to be registered in the name of the applicant if 40337  
a physical certificate of title or memorandum certificate has been 40338  
issued by a clerk of a court of common pleas. If, under sections 40339  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 40340  
instead has issued an electronic certificate of title for the 40341  
applicant's motor vehicle, that certificate may be presented for 40342  
inspection at the time of first registration in a manner 40343  
prescribed by rules adopted by the registrar. An applicant is not 40344  
required to present a certificate of title to an electronic motor 40345  
vehicle dealer acting as a limited authority deputy registrar in 40346

accordance with rules adopted by the registrar. When a motor 40347  
vehicle inspection and maintenance program is in effect under 40348  
section 3704.14 of the Revised Code and rules adopted under it, 40349  
each application for registration for a vehicle required to be 40350  
inspected under that section and those rules shall be accompanied 40351  
by an inspection certificate for the motor vehicle issued in 40352  
accordance with that section. The application shall be refused if 40353  
any of the following applies: 40354

(1) The application is not in proper form. 40355

(2) The application is prohibited from being accepted by 40356  
division (D) of section 2935.27, division (A) of section 2937.221, 40357  
division (A) of section 4503.13, division (B) of section 4510.22, 40358  
or division (B)(1) of section 4521.10 of the Revised Code. 40359

(3) A certificate of title or memorandum certificate of title 40360  
is required but does not accompany the application or, in the case 40361  
of an electronic certificate of title, is required but is not 40362  
presented in a manner prescribed by the registrar's rules. 40363

(4) All registration and transfer fees for the motor vehicle, 40364  
for the preceding year or the preceding period of the current 40365  
registration year, have not been paid. 40366

(5) The owner or lessee does not have an inspection 40367  
certificate for the motor vehicle as provided in section 3704.14 40368  
of the Revised Code, and rules adopted under it, if that section 40369  
is applicable. 40370

This section does not require the payment of license or 40371  
registration taxes on a motor vehicle for any preceding year, or 40372  
for any preceding period of a year, if the motor vehicle was not 40373  
taxable for that preceding year or period under sections 4503.02, 40374  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 40375  
Revised Code. When a certificate of registration is issued upon 40376  
the first registration of a motor vehicle by or on behalf of the 40377

owner, the official issuing the certificate shall indicate the 40378  
issuance with a stamp on the certificate of title or memorandum 40379  
certificate or, in the case of an electronic certificate of title, 40380  
an electronic stamp or other notation as specified in rules 40381  
adopted by the registrar, and with a stamp on the inspection 40382  
certificate for the motor vehicle, if any. The official also shall 40383  
indicate, by a stamp or by other means the registrar prescribes, 40384  
on the registration certificate issued upon the first registration 40385  
of a motor vehicle by or on behalf of the owner the odometer 40386  
reading of the motor vehicle as shown in the odometer statement 40387  
included in or attached to the certificate of title. Upon each 40388  
subsequent registration of the motor vehicle by or on behalf of 40389  
the same owner, the official also shall so indicate the odometer 40390  
reading of the motor vehicle as shown on the immediately preceding 40391  
certificate of registration. 40392

The registrar shall include in the permanent registration 40393  
record of any vehicle required to be inspected under section 40394  
3704.14 of the Revised Code the inspection certificate number from 40395  
the inspection certificate that is presented at the time of 40396  
registration of the vehicle as required under this division. 40397

(C)(1) Commencing with each registration renewal with an 40398  
expiration date on or after October 1, 2003, and for each initial 40399  
application for registration received on and after that date, the 40400  
registrar and each deputy registrar shall collect an additional 40401  
fee of eleven dollars for each application for registration and 40402  
registration renewal received. The additional fee is for the 40403  
purpose of defraying the department of public safety's costs 40404  
associated with the administration and enforcement of the motor 40405  
vehicle and traffic laws of Ohio. Each deputy registrar shall 40406  
transmit the fees collected under division (C)(1) of this section 40407  
in the time and manner provided in this section. The registrar 40408  
shall deposit all moneys received under division (C)(1) of this 40409

section into the state highway safety fund established in section 40410  
4501.06 of the Revised Code. 40411

(2) In addition, a charge of twenty-five cents shall be made 40412  
for each reflectorized safety license plate issued, and a single 40413  
charge of twenty-five cents shall be made for each county 40414  
identification sticker or each set of county identification 40415  
stickers issued, as the case may be, to cover the cost of 40416  
producing the license plates and stickers, including material, 40417  
manufacturing, and administrative costs. Those fees shall be in 40418  
addition to the license tax. If the total cost of producing the 40419  
plates is less than twenty-five cents per plate, or if the total 40420  
cost of producing the stickers is less than twenty-five cents per 40421  
sticker or per set issued, any excess moneys accruing from the 40422  
fees shall be distributed in the same manner as provided by 40423  
section 4501.04 of the Revised Code for the distribution of 40424  
license tax moneys. If the total cost of producing the plates 40425  
exceeds twenty-five cents per plate, or if the total cost of 40426  
producing the stickers exceeds twenty-five cents per sticker or 40427  
per set issued, the difference shall be paid from the license tax 40428  
moneys collected pursuant to section 4503.02 of the Revised Code. 40429

(D) Each deputy registrar shall be allowed a fee of two 40430  
dollars and seventy-five cents commencing on July 1, 2001, three 40431  
dollars and twenty-five cents commencing on January 1, 2003, and 40432  
three dollars and fifty cents commencing on January 1, 2004, for 40433  
each application for registration and registration renewal notice 40434  
the deputy registrar receives, which shall be for the purpose of 40435  
compensating the deputy registrar for the deputy registrar's 40436  
services, and such office and rental expenses, as may be necessary 40437  
for the proper discharge of the deputy registrar's duties in the 40438  
receiving of applications and renewal notices and the issuing of 40439  
registrations. 40440

(E) Upon the certification of the registrar, the county 40441

sheriff or local police officials shall recover license plates 40442  
erroneously or fraudulently issued. 40443

(F) Each deputy registrar, upon receipt of any application 40444  
for registration or registration renewal notice, together with the 40445  
license fee and any local motor vehicle license tax levied 40446  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 40447  
fee and tax, if any, in the manner provided in this section, 40448  
together with the original and duplicate copy of the application, 40449  
to the registrar. The registrar, subject to the approval of the 40450  
director of public safety, may deposit the funds collected by 40451  
those deputies in a local bank or depository to the credit of the 40452  
"state of Ohio, bureau of motor vehicles." Where a local bank or 40453  
depository has been designated by the registrar, each deputy 40454  
registrar shall deposit all moneys collected by the deputy 40455  
registrar into that bank or depository not more than one business 40456  
day after their collection and shall make reports to the registrar 40457  
of the amounts so deposited, together with any other information, 40458  
some of which may be prescribed by the treasurer of state, as the 40459  
registrar may require and as prescribed by the registrar by rule. 40460  
The registrar, within three days after receipt of notification of 40461  
the deposit of funds by a deputy registrar in a local bank or 40462  
depository, shall draw on that account in favor of the treasurer 40463  
of state. The registrar, subject to the approval of the director 40464  
and the treasurer of state, may make reasonable rules necessary 40465  
for the prompt transmittal of fees and for safeguarding the 40466  
interests of the state and of counties, townships, municipal 40467  
corporations, and transportation improvement districts levying 40468  
local motor vehicle license taxes. The registrar may pay service 40469  
charges usually collected by banks and depositories for such 40470  
service. If deputy registrars are located in communities where 40471  
banking facilities are not available, they shall transmit the fees 40472  
forthwith, by money order or otherwise, as the registrar, by rule 40473  
approved by the director and the treasurer of state, may 40474

prescribe. The registrar may pay the usual and customary fees for such service. 40475  
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(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each application. 40477  
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(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section. 40485  
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(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code. 40490  
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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to 40501  
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present an inspection certificate with an application for 40507  
registration or preregistration. 40508

(b) Upon request, the registrar shall provide the director of 40509  
environmental protection, or any person that has been awarded a 40510  
contract under ~~division (D)~~ of section 3704.14 of the Revised 40511  
Code, an on-line computer data link to registration information 40512  
for all passenger cars, noncommercial motor vehicles, and 40513  
commercial cars that are subject to that section. The registrar 40514  
also shall provide to the director of environmental protection a 40515  
magnetic data tape containing registration information regarding 40516  
passenger cars, noncommercial motor vehicles, and commercial cars 40517  
for which a multi-year registration is in effect under section 40518  
4503.103 of the Revised Code or rules adopted under it, including, 40519  
without limitation, the date of issuance of the multi-year 40520  
registration, the registration deadline established under rules 40521  
adopted under section 4503.101 of the Revised Code that was 40522  
applicable in the year in which the multi-year registration was 40523  
issued, and the registration deadline for renewal of the 40524  
multi-year registration. 40525

(J) Application for registration under the international 40526  
registration plan, as set forth in sections 4503.60 to 4503.66 of 40527  
the Revised Code, shall be made to the registrar on forms 40528  
furnished by the registrar. In accordance with international 40529  
registration plan guidelines and pursuant to rules adopted by the 40530  
registrar, the forms shall include the following: 40531

(1) A uniform mileage schedule; 40532

(2) The gross vehicle weight of the vehicle or combined gross 40533  
vehicle weight of the combination vehicle as declared by the 40534  
registrant; 40535

(3) Any other information the registrar requires by rule. 40536

Sec. 4503.102. (A) The registrar of motor vehicles shall 40537  
adopt rules to establish a centralized system of motor vehicle 40538  
registration renewal by mail or by electronic means. Any person 40539  
owning a motor vehicle that was registered in the person's name 40540  
during the preceding registration year shall renew the 40541  
registration of the motor vehicle not more than ninety days prior 40542  
to the expiration date of the registration either by mail or by 40543  
electronic means through the centralized system of registration 40544  
established under this section, or in person at any office of the 40545  
registrar or at a deputy registrar's office. 40546

(B)(1) No less than forty-five days prior to the expiration 40547  
date of any motor vehicle registration, the registrar shall mail a 40548  
renewal notice to the person in whose name the motor vehicle is 40549  
registered. The renewal notice shall clearly state that the 40550  
registration of the motor vehicle may be renewed by mail or 40551  
electronic means through the centralized system of registration or 40552  
in person at any office of the registrar or at a deputy 40553  
registrar's office and shall be preprinted with information 40554  
including, but not limited to, the owner's name and residence 40555  
address as shown in the records of the bureau of motor vehicles, a 40556  
brief description of the motor vehicle to be registered, notice of 40557  
the license taxes and fees due on the motor vehicle, the toll-free 40558  
telephone number of the registrar as required under division 40559  
(D)(1) of section 4503.031 of the Revised Code, and any additional 40560  
information the registrar may require by rule. The renewal notice 40561  
shall be sent by regular mail to the owner's last known address as 40562  
shown in the records of the bureau of motor vehicles. 40563

(2) If the application for renewal of the registration of a 40564  
motor vehicle is prohibited from being accepted by the registrar 40565  
or a deputy registrar by division (D) of section 2935.27, division 40566  
(A) of section 2937.221, division (A) of section 4503.13, division 40567  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 40568

the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, together with a financial transaction device number, when permitted by rule of the registrar, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a mail fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, plus postage as indicated on the notice, if the registration is renewed by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a

year, if the motor vehicle was not taxable for that preceding year 40601  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 40602  
4503.16 or Chapter 4504. of the Revised Code. 40603

(E)(1) Failure to receive a renewal notice does not relieve a 40604  
motor vehicle owner from the responsibility to renew the 40605  
registration for the motor vehicle. Any person who has a motor 40606  
vehicle registered in this state and who does not receive a 40607  
renewal notice as provided in division (B) of this section prior 40608  
to the expiration date of the registration shall request an 40609  
application for registration from the registrar or a deputy 40610  
registrar and sign the application manually or by electronic means 40611  
and submit the application and pay any applicable license taxes 40612  
and fees to the registrar or deputy registrar. 40613

(2) If the owner of a motor vehicle submits an application 40614  
for registration and the registrar is prohibited by division (D) 40615  
of section 2935.27, division (A) of section 2937.221, division (A) 40616  
of section 4503.13, division (B) of section 4510.22, or division 40617  
(B)(1) of section 4521.10 of the Revised Code from accepting the 40618  
application, the registrar shall return the application and the 40619  
payment to the owner. If the owner of a motor vehicle submits a 40620  
registration renewal application to the registrar by electronic 40621  
means and the registrar is prohibited from accepting the 40622  
application as provided in this division, the registrar shall 40623  
notify the owner of this fact and deny the application and return 40624  
the payment or give a credit on the financial transaction device 40625  
account of the owner in the manner the registrar prescribes by 40626  
rule adopted pursuant to division (A) of this section. 40627

(F) Every deputy registrar shall post in a prominent place at 40628  
the deputy's office a notice informing the public of the mail 40629  
registration system required by this section and also shall post a 40630  
notice that every owner of a motor vehicle and every chauffeur 40631  
holding a certificate of registration is required to notify the 40632

registrar in writing of any change of residence within ten days 40633  
after the change occurs. The notice shall be in such form as the 40634  
registrar prescribes by rule. 40635

(G) The two dollars and seventy-five cents fee collected from 40636  
July 1, 2001, through December 31, 2002, the three dollars and 40637  
twenty-five cents fee collected from January 1, 2003, through 40638  
December 31, 2003, and the three dollars and fifty cents fee 40639  
collected after January 1, 2004, plus postage and any financial 40640  
transaction device surcharge collected by the registrar for 40641  
registration by mail, shall be paid to the credit of the state 40642  
bureau of motor vehicles fund established by section 4501.25 of 40643  
the Revised Code. 40644

(H)(1) Pursuant to section 113.40 of the Revised Code, the 40645  
registrar may implement a program permitting payment of motor 40646  
vehicle registration taxes and fees, driver's license and 40647  
commercial driver's license fees, and any other taxes, fees, 40648  
penalties, or charges imposed or levied by the state by means of a 40649  
financial transaction device. The registrar may adopt rules as 40650  
necessary for this purpose. 40651

(2) Commencing with deputy registrar contract awards that 40652  
have a start date of July 1, 2008, and for all contract awards 40653  
thereafter, the registrar shall incorporate in the review process 40654  
a score for whether or not a proposer states that the proposer 40655  
will accept payment by means of a financial transaction device, 40656  
including credit cards and debit cards, for all department of 40657  
public safety transactions conducted at that deputy registrar 40658  
location. 40659

A deputy registrar shall not be required to accept payment by 40660  
means of a financial transaction device unless the deputy 40661  
registrar agreed to do so in the deputy registrar's contract. The 40662  
bureau shall not be required to pay any costs incurred by a deputy 40663  
registrar who accepts payment by means of a financial transaction 40664

device that result from the deputy registrar accepting payment by 40665  
means of a financial transaction device. 40666

(I) For persons who reside in counties where tailpipe 40667  
emissions inspections are required under the motor vehicle 40668  
inspection and maintenance program, the notice required by 40669  
division (B) of this section shall also include the toll-free 40670  
telephone number maintained by the Ohio environmental protection 40671  
agency to provide information concerning the locations of 40672  
emissions testing centers. 40673

**Sec. 4503.35.** (A) The motor vehicles furnished by the state 40674  
for use by the elective state officials, and motor vehicles owned 40675  
and operated by political subdivisions of the state, are exempt 40676  
from section 4503.23 of the Revised Code. 40677

(B) The ~~motor~~ following vehicles are exempt from section 40678  
4503.23 of the Revised Code: 40679

(1) Motor vehicles operated by troopers of the state highway 40680  
patrol, ~~and motor;~~ 40681

(2) Motor vehicles operated by or on behalf of any person 40682  
whose responsibilities include involvement in authorized civil or 40683  
criminal investigations requiring that the presence and identity 40684  
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 40685  
~~4503.23 of the Revised Code;~~ 40686

(3) Motor vehicles used to assist crime victims when a state 40687  
agency determines that the situation warrants it. 40688

**Sec. 4505.06.** (A)(1) Application for a certificate of title 40689  
shall be made in a form prescribed by the registrar of motor 40690  
vehicles and shall be sworn to before a notary public or other 40691  
officer empowered to administer oaths. The application shall be 40692  
filed with the clerk of any court of common pleas. An application 40693  
for a certificate of title may be filed electronically by any 40694

electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in

beneficiary form so that upon the death of the owner of the motor 40727  
vehicle, ownership of the motor vehicle will pass to a designated 40728  
transfer-on-death beneficiary or beneficiaries, the applicant may 40729  
do so as provided in section 2131.13 of the Revised Code. A person 40730  
who establishes ownership of a motor vehicle that is transferable 40731  
on death in accordance with section 2131.13 of the Revised Code 40732  
may terminate that type of ownership or change the designation of 40733  
the transfer-on-death beneficiary or beneficiaries by applying for 40734  
a certificate of title pursuant to this section. The clerk shall 40735  
retain the evidence of title presented by the applicant and on 40736  
which the certificate of title is issued, except that, if an 40737  
application for a certificate of title is filed electronically by 40738  
an electronic motor vehicle dealer on behalf of the purchaser of a 40739  
motor vehicle, the clerk shall retain the completed electronic 40740  
record to which the dealer converted the certificate of title 40741  
application and other required documents. The registrar, after 40742  
consultation with the attorney general, shall adopt rules that 40743  
govern the location at which, and the manner in which, are stored 40744  
the actual application and all other documents relating to the 40745  
sale of a motor vehicle when an electronic motor vehicle dealer 40746  
files the application for a certificate of title electronically on 40747  
behalf of the purchaser. 40748

The clerk shall use reasonable diligence in ascertaining 40749  
whether or not the facts in the application for a certificate of 40750  
title are true by checking the application and documents 40751  
accompanying it or the electronic record to which a dealer 40752  
converted the application and accompanying documents with the 40753  
records of motor vehicles in the clerk's office. If the clerk is 40754  
satisfied that the applicant is the owner of the motor vehicle and 40755  
that the application is in the proper form, the clerk, within five 40756  
business days after the application is filed and except as 40757  
provided in section 4505.021 of the Revised Code, shall issue a 40758  
physical certificate of title over the clerk's signature and 40759



sealed with the clerk's seal, unless the applicant specifically 40760  
requests the clerk not to issue a physical certificate of title 40761  
and instead to issue an electronic certificate of title. For 40762  
purposes of the transfer of a certificate of title, if the clerk 40763  
is satisfied that the secured party has duly discharged a lien 40764  
notation but has not canceled the lien notation with a clerk, the 40765  
clerk may cancel the lien notation on the automated title 40766  
processing system and notify the clerk of the county of origin. 40767

(4) In the case of the sale of a motor vehicle to a general 40768  
buyer or user by a dealer, by a motor vehicle leasing dealer 40769  
selling the motor vehicle to the lessee or, in a case in which the 40770  
leasing dealer subleased the motor vehicle, the sublessee, at the 40771  
end of the lease agreement or sublease agreement, or by a 40772  
manufactured home broker, the certificate of title shall be 40773  
obtained in the name of the buyer by the dealer, leasing dealer, 40774  
or manufactured home broker, as the case may be, upon application 40775  
signed by the buyer. The certificate of title shall be issued, or 40776  
the process of entering the certificate of title application 40777  
information into the automated title processing system if a 40778  
physical certificate of title is not to be issued shall be 40779  
completed, within five business days after the application for 40780  
title is filed with the clerk. If the buyer of the motor vehicle 40781  
previously leased the motor vehicle and is buying the motor 40782  
vehicle at the end of the lease pursuant to that lease, the 40783  
certificate of title shall be obtained in the name of the buyer by 40784  
the motor vehicle leasing dealer who previously leased the motor 40785  
vehicle to the buyer or by the motor vehicle leasing dealer who 40786  
subleased the motor vehicle to the buyer under a sublease 40787  
agreement. 40788

In all other cases, except as provided in section 4505.032 40789  
and division (D)(2) of section 4505.11 of the Revised Code, such 40790  
certificates shall be obtained by the buyer. 40791

(5)(a)(i) If the certificate of title is being obtained in the name of the buyer by a motor vehicle dealer or motor vehicle leasing dealer and there is a security interest to be noted on the certificate of title, the dealer or leasing dealer shall submit the application for the certificate of title and payment of the applicable tax to a clerk within seven business days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle. Submission of the application for the certificate of title and payment of the applicable tax within the required seven business days may be indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. If an

application for a certificate of title is not filed within the 40824  
period specified in division (A)(5)(b) of this section, the clerk 40825  
shall collect a fee of five dollars for the issuance of the 40826  
certificate, except that no such fee shall be required from a 40827  
motor vehicle salvage dealer, as defined in division (A) of 40828  
section 4738.01 of the Revised Code, who immediately surrenders 40829  
the certificate of title for cancellation. The fee shall be in 40830  
addition to all other fees established by this chapter, and shall 40831  
be retained by the clerk. The registrar shall provide, on the 40832  
certificate of title form prescribed by section 4505.07 of the 40833  
Revised Code, language necessary to give evidence of the date on 40834  
which the assignment or delivery of the motor vehicle was made. 40835

(6) As used in division (A) of this section, "lease 40836  
agreement," "lessee," and "sublease agreement" have the same 40837  
meanings as in section 4505.04 of the Revised Code. 40838

(B)(1) The clerk, except as provided in this section, shall 40839  
refuse to accept for filing any application for a certificate of 40840  
title and shall refuse to issue a certificate of title unless the 40841  
dealer or manufactured home broker or the applicant, in cases in 40842  
which the certificate shall be obtained by the buyer, submits with 40843  
the application payment of the tax levied by or pursuant to 40844  
Chapters 5739. and 5741. of the Revised Code based on the 40845  
purchaser's county of residence. Upon payment of the tax in 40846  
accordance with division (E) of this section, the clerk shall 40847  
issue a receipt prescribed by the registrar and agreed upon by the 40848  
tax commissioner showing payment of the tax or a receipt issued by 40849  
the commissioner showing the payment of the tax. When submitting 40850  
payment of the tax to the clerk, a dealer shall retain any 40851  
discount to which the dealer is entitled under section 5739.12 of 40852  
the Revised Code. 40853

(2) For receiving and disbursing such taxes paid to the clerk 40854  
by a resident of the clerk's county, the clerk may retain a 40855

poundage fee of one and one one-hundredth per cent, and the clerk 40856  
shall pay the poundage fee into the certificate of title 40857  
administration fund created by section 325.33 of the Revised Code. 40858  
The clerk shall not retain a poundage fee from payments of taxes 40859  
by persons who do not reside in the clerk's county. 40860

A clerk, however, may retain from the taxes paid to the clerk 40861  
an amount equal to the poundage fees associated with certificates 40862  
of title issued by other clerks of courts of common pleas to 40863  
applicants who reside in the first clerk's county. The registrar, 40864  
in consultation with the tax commissioner and the clerks of the 40865  
courts of common pleas, shall develop a report from the automated 40866  
title processing system that informs each clerk of the amount of 40867  
the poundage fees that the clerk is permitted to retain from those 40868  
taxes because of certificates of title issued by the clerks of 40869  
other counties to applicants who reside in the first clerk's 40870  
county. 40871

(3) In the case of casual sales of motor vehicles, as defined 40872  
in section 4517.01 of the Revised Code, the price for the purpose 40873  
of determining the tax shall be the purchase price on the assigned 40874  
certificate of title executed by the seller and filed with the 40875  
clerk by the buyer on a form to be prescribed by the registrar, 40876  
which shall be prima-facie evidence of the amount for the 40877  
determination of the tax. 40878

(4) Each county clerk shall forward to the treasurer of state 40879  
all sales and use tax collections resulting from sales of motor 40880  
vehicles, off-highway motorcycles, and all-purpose vehicles during 40881  
a calendar week on or before the Friday following the close of 40882  
that week. If, on any Friday, the offices of the clerk of courts 40883  
or the state are not open for business, the tax shall be forwarded 40884  
to the treasurer of state on or before the next day on which the 40885  
offices are open. Every remittance of tax under division (B)(4) of 40886  
this section shall be accompanied by a remittance report in such 40887

form as the tax commissioner prescribes. Upon receipt of a tax 40888  
remittance and remittance report, the treasurer of state shall 40889  
date stamp the report and forward it to the tax commissioner. If 40890  
the tax due for any week is not remitted by a clerk of courts as 40891  
required under division (B)(4) of this section, the commissioner 40892  
may require the clerk to forfeit the poundage fees for the sales 40893  
made during that week. The treasurer of state may require the 40894  
clerks of courts to transmit tax collections and remittance 40895  
reports electronically. 40896

(C)(1) If the transferor indicates on the certificate of 40897  
title that the odometer reflects mileage in excess of the designed 40898  
mechanical limit of the odometer, the clerk shall enter the phrase 40899  
"exceeds mechanical limits" following the mileage designation. If 40900  
the transferor indicates on the certificate of title that the 40901  
odometer reading is not the actual mileage, the clerk shall enter 40902  
the phrase "nonactual: warning - odometer discrepancy" following 40903  
the mileage designation. The clerk shall use reasonable care in 40904  
transferring the information supplied by the transferor, but is 40905  
not liable for any errors or omissions of the clerk or those of 40906  
the clerk's deputies in the performance of the clerk's duties 40907  
created by this chapter. 40908

The registrar shall prescribe an affidavit in which the 40909  
transferor shall swear to the true selling price and, except as 40910  
provided in this division, the true odometer reading of the motor 40911  
vehicle. The registrar may prescribe an affidavit in which the 40912  
seller and buyer provide information pertaining to the odometer 40913  
reading of the motor vehicle in addition to that required by this 40914  
section, as such information may be required by the United States 40915  
secretary of transportation by rule prescribed under authority of 40916  
subchapter IV of the "Motor Vehicle Information and Cost Savings 40917  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 40918

(2) Division (C)(1) of this section does not require the 40919

giving of information concerning the odometer and odometer reading 40920  
of a motor vehicle when ownership of a motor vehicle is being 40921  
transferred as a result of a bequest, under the laws of intestate 40922  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 40923  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 40924  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 40925  
connection with the creation of a security interest or for a 40926  
vehicle with a gross vehicle weight rating of more than sixteen 40927  
thousand pounds. 40928

(D) When the transfer to the applicant was made in some other 40929  
state or in interstate commerce, the clerk, except as provided in 40930  
this section, shall refuse to issue any certificate of title 40931  
unless the tax imposed by or pursuant to Chapter 5741. of the 40932  
Revised Code based on the purchaser's county of residence has been 40933  
paid as evidenced by a receipt issued by the tax commissioner, or 40934  
unless the applicant submits with the application payment of the 40935  
tax. Upon payment of the tax in accordance with division (E) of 40936  
this section, the clerk shall issue a receipt prescribed by the 40937  
registrar and agreed upon by the tax commissioner, showing payment 40938  
of the tax. 40939

For receiving and disbursing such taxes paid to the clerk by 40940  
a resident of the clerk's county, the clerk may retain a poundage 40941  
fee of one and one one-hundredth per cent. The clerk shall not 40942  
retain a poundage fee from payments of taxes by persons who do not 40943  
reside in the clerk's county. 40944

A clerk, however, may retain from the taxes paid to the clerk 40945  
an amount equal to the poundage fees associated with certificates 40946  
of title issued by other clerks of courts of common pleas to 40947  
applicants who reside in the first clerk's county. The registrar, 40948  
in consultation with the tax commissioner and the clerks of the 40949  
courts of common pleas, shall develop a report from the automated 40950  
title processing system that informs each clerk of the amount of 40951

the poundage fees that the clerk is permitted to retain from those 40952  
taxes because of certificates of title issued by the clerks of 40953  
other counties to applicants who reside in the first clerk's 40954  
county. 40955

When the vendor is not regularly engaged in the business of 40956  
selling motor vehicles, the vendor shall not be required to 40957  
purchase a vendor's license or make reports concerning those 40958  
sales. 40959

(E) The clerk shall accept any payment of a tax in cash, or 40960  
by cashier's check, certified check, draft, money order, or teller 40961  
check issued by any insured financial institution payable to the 40962  
clerk and submitted with an application for a certificate of title 40963  
under division (B) or (D) of this section. The clerk also may 40964  
accept payment of the tax by corporate, business, or personal 40965  
check, credit card, electronic transfer or wire transfer, debit 40966  
card, or any other accepted form of payment made payable to the 40967  
clerk. The clerk may require bonds, guarantees, or letters of 40968  
credit to ensure the collection of corporate, business, or 40969  
personal checks. Any service fee charged by a third party to a 40970  
clerk for the use of any form of payment may be paid by the clerk 40971  
from the certificate of title administration fund created in 40972  
section 325.33 of the Revised Code, or may be assessed by the 40973  
clerk upon the applicant as an additional fee. Upon collection, 40974  
the additional fees shall be paid by the clerk into that 40975  
certificate of title administration fund. 40976

The clerk shall make a good faith effort to collect any 40977  
payment of taxes due but not made because the payment was returned 40978  
or dishonored, but the clerk is not personally liable for the 40979  
payment of uncollected taxes or uncollected fees. The clerk shall 40980  
notify the tax commissioner of any such payment of taxes that is 40981  
due but not made and shall furnish the information to the 40982  
commissioner that the commissioner requires. The clerk shall 40983

deduct the amount of taxes due but not paid from the clerk's 40984  
periodic remittance of tax payments, in accordance with procedures 40985  
agreed upon by the tax commissioner. The commissioner may collect 40986  
taxes due by assessment in the manner provided in section 5739.13 40987  
of the Revised Code. 40988

Any person who presents payment that is returned or 40989  
dishonored for any reason is liable to the clerk for payment of a 40990  
penalty over and above the amount of the taxes due. The clerk 40991  
shall determine the amount of the penalty, and the penalty shall 40992  
be no greater than that amount necessary to compensate the clerk 40993  
for banking charges, legal fees, or other expenses incurred by the 40994  
clerk in collecting the returned or dishonored payment. The 40995  
remedies and procedures provided in this section are in addition 40996  
to any other available civil or criminal remedies. Subsequently 40997  
collected penalties, poundage fees, and title fees, less any title 40998  
fee due the state, from returned or dishonored payments collected 40999  
by the clerk shall be paid into the certificate of title 41000  
administration fund. Subsequently collected taxes, less poundage 41001  
fees, shall be sent by the clerk to the treasurer of state at the 41002  
next scheduled periodic remittance of tax payments, with 41003  
information as the commissioner may require. The clerk may abate 41004  
all or any part of any penalty assessed under this division. 41005

(F) In the following cases, the clerk shall accept for filing 41006  
an application and shall issue a certificate of title without 41007  
requiring payment or evidence of payment of the tax: 41008

(1) When the purchaser is this state or any of its political 41009  
subdivisions, a church, or an organization whose purchases are 41010  
exempted by section 5739.02 of the Revised Code; 41011

(2) When the transaction in this state is not a retail sale 41012  
as defined by section 5739.01 of the Revised Code; 41013

(3) When the purchase is outside this state or in interstate 41014



commerce and the purpose of the purchaser is not to use, store, or  
consume within the meaning of section 5741.01 of the Revised Code;

(4) When the purchaser is the federal government;

(5) When the motor vehicle was purchased outside this state  
for use outside this state;

(6) When the motor vehicle is purchased by a nonresident ~~of~~  
~~this state for immediate removal from this state, and will be~~  
~~permanently titled and registered in another state, as provided by~~  
~~division (B)(23) of section 5739.02~~ under the circumstances  
described in division (B)(1) of section 5739.029 of the Revised  
Code, and upon presentation of a copy of the affidavit provided by  
that section, and a copy of the exemption certificate provided by  
section 5739.03 of the Revised Code.

(G) An application, as prescribed by the registrar and agreed  
to by the tax commissioner, shall be filled out and sworn to by  
the buyer of a motor vehicle in a casual sale. The application  
shall contain the following notice in bold lettering: "WARNING TO  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by  
law to state the true selling price. A false statement is in  
violation of section 2921.13 of the Revised Code and is punishable  
by six months' imprisonment or a fine of up to one thousand  
dollars, or both. All transfers are audited by the department of  
taxation. The seller and buyer must provide any information  
requested by the department of taxation. The buyer may be assessed  
any additional tax found to be due."

(H) For sales of manufactured homes or mobile homes occurring  
on or after January 1, 2000, the clerk shall accept for filing,  
pursuant to Chapter 5739. of the Revised Code, an application for  
a certificate of title for a manufactured home or mobile home  
without requiring payment of any tax pursuant to section 5739.02,  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt

issued by the tax commissioner showing payment of the tax. For 41046  
sales of manufactured homes or mobile homes occurring on or after 41047  
January 1, 2000, the applicant shall pay to the clerk an 41048  
additional fee of five dollars for each certificate of title 41049  
issued by the clerk for a manufactured or mobile home pursuant to 41050  
division (H) of section 4505.11 of the Revised Code and for each 41051  
certificate of title issued upon transfer of ownership of the 41052  
home. The clerk shall credit the fee to the county certificate of 41053  
title administration fund, and the fee shall be used to pay the 41054  
expenses of archiving those certificates pursuant to division (A) 41055  
of section 4505.08 and division (H)(3) of section 4505.11 of the 41056  
Revised Code. The tax commissioner shall administer any tax on a 41057  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 41058  
of the Revised Code. 41059

(I) Every clerk shall have the capability to transact by 41060  
electronic means all procedures and transactions relating to the 41061  
issuance of motor vehicle certificates of title that are described 41062  
in the Revised Code as being accomplished by electronic means. 41063

Sec. 4511.093. (A)(1) No law enforcement officer who stops 41064  
the operator of a motor vehicle in the course of an authorized 41065  
sobriety or other motor vehicle checkpoint operation or a motor 41066  
vehicle safety inspection shall issue a ticket, citation, or 41067  
summons for a secondary traffic offense unless in the course of 41068  
the checkpoint operation or safety inspection the officer first 41069  
determines that an offense other than a secondary traffic offense 41070  
has occurred and either places the operator or a vehicle occupant 41071  
under arrest or issues a ticket, citation, or summons to the 41072  
operator or a vehicle occupant for an offense other than a 41073  
secondary offense. 41074

(2) A law enforcement agency that operates a motor vehicle 41075  
checkpoint for an express purpose related to a secondary traffic 41076

offense shall not issue a ticket, citation, or summons for any 41077  
secondary traffic offense at such a checkpoint, but may use such a 41078  
checkpoint operation to conduct a public awareness campaign and 41079  
distribute information. 41080

(B) As used in this section, "secondary traffic offense" 41081  
means a violation of division (A) or (F)(2) of section 4507.05, 41082  
division (B)(1)(a) or (b) or (E) of section 4507.071, division (C) 41083  
of section 4511.81, or division (B) of section 4513.263 of the 41084  
Revised Code. 41085

**Sec. 4511.101.** (A) The director of transportation, in 41086  
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 41087  
shall establish a program for the placement of business logos for 41088  
identification purposes on state directional signs within the 41089  
rights-of-way of divided, multi-lane, limited access highways in 41090  
both rural and urban areas. 41091

(B) All direct and indirect costs of the business logo sign 41092  
program established pursuant to this section shall be fully paid 41093  
by the businesses applying for participation in the program. At 41094  
any interchange where a business logo sign is erected, such costs 41095  
shall be divided equally among the participating businesses. The 41096  
direct and indirect costs of the program shall include, but not be 41097  
limited to, the cost of capital, directional signs, blanks, posts, 41098  
logos, installation, repair, engineering, design, insurance, 41099  
removal, replacement, and administration. Nothing in this chapter 41100  
shall be construed to prohibit the director from establishing such 41101  
a program. 41102

(C) The director, in accordance with rules adopted pursuant 41103  
to Chapter 119. of the Revised Code, may contract with any private 41104  
person to operate, maintain, and market the business logo sign 41105  
program. The rules shall describe the terms of the contract, and 41106  
shall allow for a reasonable profit to be earned by the successful 41107

applicant. In awarding the contract, the director shall consider 41108  
the skill, expertise, prior experience, and other qualifications 41109  
of each applicant. 41110

(D) As used in this section, "urban area" means an area 41111  
having a population of fifty thousand or more according to the 41112  
most recent federal census and designated as such on urban maps 41113  
prepared by the department. 41114

(E) Neither the department nor the director shall do either 41115  
of the following: 41116

(1) Limit the right of any person to erect, maintain, repair, 41117  
remove, or utilize any off-premises or on-premises advertising 41118  
device; 41119

(2) Make participation in the business logo sign program 41120  
conditional upon a business agreeing to limit, discontinue, 41121  
withdraw, modify, alter, or change any advertising or sign. 41122

(F) The program shall permit the business logo signs of a 41123  
seller of motor vehicle fuel to include on the seller's signs a 41124  
marking or symbol indicating that the seller sells one or more 41125  
types of alternative fuel so long as the seller in fact sells that 41126  
fuel. 41127

As used in this division, "alternative fuel" has the same 41128  
meaning as in section 125.831 of the Revised Code. 41129

(G) The program shall permit the business logo signs of 41130  
retail pharmacies open to the public if the business satisfies all 41131  
of the following: 41132

(1) Operates continuously for twenty-four hours per day, 41133  
seven days per week; 41134

(2) Has a pharmacist licensed under Chapter 4729. of the 41135  
Revised Code on duty at all times; 41136

(3) Is located within three miles of an interchange of a 41137

divided, multi-lane, limited access highway; 41138

(4) Is directly accessible by the public. 41139

**Sec. 4513.241.** (A) The director of public safety, in 41140  
accordance with Chapter 119. of the Revised Code, shall adopt 41141  
rules governing the use of tinted glass, and the use of 41142  
transparent, nontransparent, translucent, and reflectorized 41143  
materials in or on motor vehicle windshields, side windows, 41144  
sidewings, and rear windows that prevent a person of normal vision 41145  
looking into the motor vehicle from seeing or identifying persons 41146  
or objects inside the motor vehicle. 41147

(B) The rules adopted under this section may provide for 41148  
persons who meet either of the following qualifications: 41149

(1) On November 11, 1994, or the effective date of any rule 41150  
adopted under this section, own a motor vehicle that does not 41151  
conform to the requirements of this section or of any rule adopted 41152  
under this section; 41153

(2) Establish residency in this state and are required to 41154  
register a motor vehicle that does not conform to the requirements 41155  
of this section or of any rule adopted under this section. 41156

(C) No person shall operate, on any highway or other public 41157  
or private property open to the public for vehicular travel or 41158  
parking, lease, or rent any motor vehicle that is registered in 41159  
this state unless the motor vehicle conforms to the requirements 41160  
of this section and of any applicable rule adopted under this 41161  
section. 41162

(D) No person shall install in or on any motor vehicle, any 41163  
glass or other material that fails to conform to the requirements 41164  
of this section or of any rule adopted under this section. 41165

(E) No used motor vehicle dealer or new motor vehicle dealer, 41166  
as defined in section 4517.01 of the Revised Code, shall sell any 41167

motor vehicle that fails to conform to the requirements of this 41168  
section or of any rule adopted under this section. 41169

(F) No reflectorized materials shall be permitted upon or in 41170  
any front windshield, side windows, sidewings, or rear window. 41171

(G) This section does not apply to the manufacturer's tinting 41172  
or glazing of motor vehicle windows or windshields that is 41173  
otherwise in compliance with or permitted by federal motor vehicle 41174  
safety standard number two hundred five. 41175

(H) With regard to any side window behind a driver's seat or 41176  
any rear window other than any window on an emergency door, this 41177  
section does not apply to any school bus used to transport a 41178  
~~handicapped child with disabilities~~ pursuant to a ~~special~~ 41179  
~~education program under~~ Chapter 3323. of the Revised Code, whom it 41180  
is impossible or impractical to transport by regular school bus in 41181  
the course of regular route transportation provided by a school 41182  
district. As used in this division, "~~handicapped child with~~ 41183  
disabilities" and "~~special education program~~" have has the same 41184  
~~meanings meaning~~ as in section 3323.01 of the Revised Code. 41185

(I) This section does not apply to any school bus that is to 41186  
be sold and operated outside this state. 41187

(J) Whoever violates division (C), (D), (E), or (F) of this 41188  
section is guilty of a minor misdemeanor. 41189

**Sec. 4513.263.** (A) As used in this section and in section 41190  
4513.99 of the Revised Code: 41191

(1) "Automobile" means any commercial tractor, passenger car, 41192  
commercial car, or truck that is required to be factory-equipped 41193  
with an occupant restraining device for the operator or any 41194  
passenger by regulations adopted by the United States secretary of 41195  
transportation pursuant to the "National Traffic and Motor Vehicle 41196  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 41197

(2) "Occupant restraining device" means a seat safety belt, 41198  
shoulder belt, harness, or other safety device for restraining a 41199  
person who is an operator of or passenger in an automobile and 41200  
that satisfies the minimum federal vehicle safety standards 41201  
established by the United States department of transportation. 41202

(3) "Passenger" means any person in an automobile, other than 41203  
its operator, who is occupying a seating position for which an 41204  
occupant restraining device is provided. 41205

(4) "Commercial tractor," "passenger car," and "commercial 41206  
car" have the same meanings as in section 4501.01 of the Revised 41207  
Code. 41208

(5) "Vehicle" and "motor vehicle," as used in the definitions 41209  
of the terms set forth in division (A)(4) of this section, have 41210  
the same meanings as in section 4511.01 of the Revised Code. 41211

(6) "Tort action" means a civil action for damages for 41212  
injury, death, or loss to person or property. "Tort action" 41213  
includes a product liability claim, as defined in section 2307.71 41214  
of the Revised Code, and an asbestos claim, as defined in section 41215  
2307.91 of the Revised Code, but does not include a civil action 41216  
for damages for breach of contract or another agreement between 41217  
persons. 41218

(B) No person shall do any of the following: 41219

(1) Operate an automobile on any street or highway unless 41220  
that person is wearing all of the available elements of a properly 41221  
adjusted occupant restraining device, or operate a school bus that 41222  
has an occupant restraining device installed for use in its 41223  
operator's seat unless that person is wearing all of the available 41224  
elements of the device, as properly adjusted; 41225

(2) Operate an automobile on any street or highway unless 41226  
each passenger in the automobile who is subject to the requirement 41227  
set forth in division (B)(3) of this section is wearing all of the 41228

available elements of a properly adjusted occupant restraining device; 41229  
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 41231  
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 41235  
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(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical. 41238  
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(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect 41252  
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any automobile being operated on any street or highway for the 41261  
sole purpose of determining whether a violation of that nature has 41262  
been or is being committed. 41263

(E) All fines collected for violations of division (B) of 41264  
this section, or for violations of any ordinance or resolution of 41265  
a political subdivision that is substantively comparable to that 41266  
division, shall be forwarded to the treasurer of state for deposit 41267  
as follows: 41268

(1) Eight per cent shall be deposited into the seat belt 41269  
education fund, which is hereby created in the state treasury, and 41270  
shall be used by the department of public safety to establish a 41271  
seat belt education program. 41272

(2) Eight per cent shall be deposited into the elementary 41273  
school program fund, which is hereby created in the state 41274  
treasury, and shall be used by the department of public safety to 41275  
establish and administer elementary school programs that encourage 41276  
seat safety belt use. 41277

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 41278  
~~transportation trust~~ occupational licensing and regulatory fund 41279  
created by section ~~4766.05~~ 4743.05 of the Revised Code. 41280

(4) Twenty-eight per cent shall be deposited into the trauma 41281  
and emergency medical services fund, which is hereby created in 41282  
the state treasury, and shall be used by the department of public 41283  
safety for the administration of the division of emergency medical 41284  
services and the state board of emergency medical services. 41285

(5) Fifty-four per cent shall be deposited into the trauma 41286  
and emergency medical services grants fund, which is hereby 41287  
created in the state treasury, and shall be used by the state 41288  
board of emergency medical services to make grants, in accordance 41289  
with section 4765.07 of the Revised Code and rules the board 41290  
adopts under section 4765.11 of the Revised Code. 41291

(F)(1) Subject to division (F)(2) of this section, the 41292  
failure of a person to wear all of the available elements of a 41293  
properly adjusted occupant restraining device in violation of 41294  
division (B)(1) or (3) of this section or the failure of a person 41295  
to ensure that each minor who is a passenger of an automobile 41296  
being operated by that person is wearing all of the available 41297  
elements of a properly adjusted occupant restraining device in 41298  
violation of division (B)(2) of this section shall not be 41299  
considered or used by the trier of fact in a tort action as 41300  
evidence of negligence or contributory negligence. But, the trier 41301  
of fact may determine based on evidence admitted consistent with 41302  
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 41303  
contributed to the harm alleged in the tort action and may 41304  
diminish a recovery of compensatory damages that represents 41305  
noneconomic loss, as defined in section 2307.011 of the Revised 41306  
Code, in a tort action that could have been recovered but for the 41307  
plaintiff's failure to wear all of the available elements of a 41308  
properly adjusted occupant restraining device. Evidence of that 41309  
failure shall not be used as a basis for a criminal prosecution of 41310  
the person other than a prosecution for a violation of this 41311  
section; and shall not be admissible as evidence in a criminal 41312  
action involving the person other than a prosecution for a 41313  
violation of this section. 41314

(2) If, at the time of an accident involving a passenger car 41315  
equipped with occupant restraining devices, any occupant of the 41316  
passenger car who sustained injury or death was not wearing an 41317  
available occupant restraining device, was not wearing all of the 41318  
available elements of such a device, or was not wearing such a 41319  
device as properly adjusted, then, consistent with the Rules of 41320  
Evidence, the fact that the occupant was not wearing the available 41321  
occupant restraining device, was not wearing all of the available 41322  
elements of such a device, or was not wearing such a device as 41323  
properly adjusted is admissible in evidence in relation to any 41324

claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(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.

(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(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.

**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:

(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.

(2) All fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway patrolmen shall be distributed as provided in section 5503.04 of the Revised Code. 41355  
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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. 41359  
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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. 41366  
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(B) Notwithstanding any other provision of this section or of any other section of the Revised Code: 41376  
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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. 41378  
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(2) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(3) 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 municipal ordinances that are substantially equivalent to one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section and for violations of one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section, and shall be distributed accordingly.

Sec. 4517.261. A motor vehicle dealer may contract for and receive a documentary service charge for a retail or wholesale sale or lease of a motor vehicle. A documentary service charge shall be specified in writing without itemization of the individual services provided. A documentary service charge shall be the lesser of the following:

(A) The amount allowed in a retail installment sale;

(B) Ten per cent of the amount the buyer or lessee is required to pay pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment.

Sec. 4703.071. (A) The state board of examiners of architects shall establish and maintain and administer an architecture education assistance program to pay applicant enrollment fees for the internship program required of applicants by section 4703.07 of the Revised Code.

(B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following:

(1) Applicant eligibility criteria for receipt of internship

program enrollment fees, which must include a requirement that 41416  
applicants be enrolled in an architecture education program at an 41417  
institution within the state that has been approved by the board 41418  
and accredited by the national architectural accrediting board, 41419  
and may include a requirement that the applicant has completed a 41420  
minimum amount of course work in the program as prescribed by the 41421  
state board by rule; 41422

(2) Application procedures for payment of internship program 41423  
enrollment fees; 41424

(3) The maximum amount of internship program enrollment fees 41425  
that may be provided by the architecture education assistance 41426  
program to an applicant; 41427

(4) The total amount of internship program enrollment fees 41428  
that may be disbursed by the architecture education assistance 41429  
program in any given fiscal year; 41430

(5) The means by which other matters incidental to the 41431  
operation of the program may be approved, including the means to 41432  
authorize necessary expenses for the operation of the architecture 41433  
education assistance program. 41434

(C) The receipt of internship program enrollment fees under 41435  
this section shall not affect a student's eligibility for any 41436  
other assistance, or the amount of that assistance. 41437

**Sec. 4715.251.** Each person licensed to practice as a dental 41438  
hygienist and required to register with the state dental board 41439  
shall, each time ~~he~~ the person applies for renewal of registration 41440  
beginning in 1995, be currently certified to perform basic 41441  
life-support procedures by having successfully completed a basic 41442  
life-support training course certified by ~~either~~ the American red 41443  
cross ~~or~~, the American heart association, or, if determined 41444  
equivalent by the board, the American safety and health institute. 41445

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.

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.

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.

**Sec. 4717.07.** (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty dollars;

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

(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;	41476
(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;	41477 41478 41479
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) <del>(5)</del> <u>(1)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41480 41481 41482 41483
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) <del>(6)</del> <u>(5)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41484 41485 41486 41487
(8) For the initial issuance of a license to operate an embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	41488 41489 41490
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) <del>(9)</del> <u>(8)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41491 41492 41493 41494
(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;	41495 41496 41497
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) <del>(11)</del> <u>(10)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41498 41499 41500 41501
(12) For the issuance of a duplicate of a license issued under this chapter, four dollars.	41502 41503
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by	41504 41505



any examining agency the board uses for any section of an 41506  
examination required under this chapter. 41507

(C) Subject to the approval of the controlling board, the 41508  
board of embalmers and funeral directors may establish fees in 41509  
excess of the amounts set forth in this section, provided that 41510  
these fees do not exceed the amounts set forth in this section by 41511  
more than fifty per cent. 41512

**Sec. 4723.32.** This chapter does not prohibit any of the 41513  
following: 41514

(A) The practice of nursing by a student currently enrolled 41515  
in and actively pursuing completion of a prelicensure nursing 41516  
education program ~~approved by the board of nursing~~, if all of the 41517  
following are the case: 41518

(1) The student is participating in a program located in this 41519  
state and approved by the board of nursing or participating in 41520  
this state in a component of a program located in another 41521  
jurisdiction and approved by a board that is a member of the 41522  
national council of state boards of nursing; 41523

(2) The student's practice is under the auspices of the 41524  
program and the; 41525

(3) The student acts under the supervision of a registered 41526  
nurse serving for the program as a faculty member or teaching 41527  
assistant; 41528

(B) The rendering of medical assistance to a licensed 41529  
physician, licensed dentist, or licensed podiatrist by a person 41530  
under the direction, supervision, and control of such licensed 41531  
physician, dentist, or podiatrist; 41532

(C) The activities of persons employed as nursing aides, 41533  
attendants, orderlies, or other auxiliary workers in patient 41534  
homes, nurseries, nursing homes, hospitals, home health agencies, 41535

or other similar institutions; 41536

(D) The provision of nursing services to family members or in emergency situations; 41537  
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(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members; 41539  
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(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing in the specialty, if ~~both~~ all of the following are the case: 41542  
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(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's degree in accordance with division (A)(2) of section 4723.41 of the Revised Code; 41548  
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(2) The student's practice is under the auspices of the program ~~and the~~; 41555  
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(3) The student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor. 41557  
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(G) The activities of an individual who currently holds a license to practice nursing in another jurisdiction, if the individual's license has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case: 41560  
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(1) The individual is engaging in the practice of nursing by 41566  
discharging official duties while employed by or under contract 41567  
with the United States government or any agency thereof; 41568

(2) The individual is engaging in the practice of nursing as 41569  
an employee of an individual, agency, or corporation located in 41570  
the other jurisdiction in a position with employment 41571  
responsibilities that include transporting patients into, out of, 41572  
or through this state, as long as each trip in this state does not 41573  
exceed seventy-two hours; 41574

(3) The individual is consulting with an individual licensed 41575  
in this state to practice any health-related profession; 41576

(4) The individual is engaging in activities associated with 41577  
teaching in this state as a guest lecturer at or for a nursing 41578  
education program, continuing nursing education program, or 41579  
in-service presentation; 41580

(5) The individual is conducting evaluations of nursing care 41581  
that are undertaken on behalf of an accrediting organization, 41582  
including the national league for nursing accrediting committee, 41583  
the joint commission on accreditation of healthcare organizations, 41584  
or any other nationally recognized accrediting organization; 41585

(6) The individual is providing nursing care to an individual 41586  
who is in this state on a temporary basis, not to exceed six 41587  
months in any one calendar year, if the nurse is directly employed 41588  
by or under contract with the individual or a guardian or other 41589  
person acting on the individual's behalf; 41590

(7) The individual is providing nursing care during any 41591  
disaster, natural or otherwise, that has been officially declared 41592  
to be a disaster by a public announcement issued by an appropriate 41593  
federal, state, county, or municipal official. 41594

(H) The administration of medication by an individual who 41595  
holds a valid medication aide certificate issued under this 41596

chapter, if the medication is administered to a resident of a 41597  
nursing home or residential care facility authorized by section 41598  
4723.63 or 4723.64 of the Revised Code to use a certified 41599  
medication aide and the medication is administered in accordance 41600  
with section 4723.67 of the Revised Code. 41601

**Sec. 4723.621.** The medication aide advisory council created 41602  
under section 4723.62 of the Revised Code shall make 41603  
recommendations to the board of nursing with respect to all of the 41604  
following: 41605

(A) The design and operation of the medication aide pilot 41606  
program conducted under section 4723.63 of the Revised Code, 41607  
including a method of collecting data through reports submitted by 41608  
participating nursing homes and residential care facilities; 41609

(B) The content of the course of instruction required to 41610  
obtain certification as a medication aide, including the 41611  
examination to be used to evaluate the ability to administer 41612  
prescription medications safely and the score that must be 41613  
attained to pass the examination; 41614

(C) Whether medication aides may administer prescription 41615  
medications through a gastrostomy or jejunostomy tube and the 41616  
amount and type of training a medication aide needs to be 41617  
adequately prepared to administer prescription medications through 41618  
a gastrostomy or jejunostomy tube; 41619

(D) Protection of the health and welfare of the residents of 41620  
nursing homes and residential care facilities participating in the 41621  
pilot program and using medication aides pursuant to section 41622  
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 41623

(E) The board's adoption of rules under section 4723.69 of 41624  
the Revised Code; 41625

(F) Any other issue the council considers relevant to the use 41626

of medication aides in nursing homes and residential care facilities. 41627  
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**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 this section is submitted in accordance with that division. 41629  
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During the period the pilot program is conducted, a nursing home or residential care facility participating in the pilot program may use one or more medication aides to administer prescription medications to its residents, subject to ~~both~~ all of the following conditions: 41640  
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(1) Each individual used as a medication aide must hold a current, valid medication aide certificate issued by the board of nursing under this chapter. 41645  
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(2) The nursing home or residential care facility shall ensure that the requirements of section 4723.67 of the Revised Code are met. 41648  
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(3) The nursing home or residential care facility shall submit to the board, not later than the thirty-first day after the day the board makes its request under division (F)(1)(a) of this section, the data required by division (F)(1)(a) of this section. 41651  
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(B) The board, in consultation with the medication aide advisory council, shall do all of the following not later than 41655  
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February 1, 2006: 41657

(1) Design the pilot program; 41658

(2) Establish standards to govern medication aides and the 41659  
nursing homes and residential care facilities participating in the 41660  
pilot program, including standards for the training of medication 41661  
aides and the staff of participating nursing homes and residential 41662  
care facilities; 41663

(3) Establish standards to protect the health and safety of 41664  
the residents of the nursing homes and residential care facilities 41665  
participating in the program; 41666

(4) Implement a process for selecting the nursing homes and 41667  
residential care facilities to participate in the program. 41668

(C)(1) A nursing home or residential care facility may 41669  
volunteer to participate in the pilot program by submitting an 41670  
application to the board on a form prescribed and provided by the 41671  
board. From among the applicants, the board shall select eighty 41672  
nursing homes and forty residential care facilities to participate 41673  
in the pilot program. When the board denies an application, it 41674  
shall notify, in writing, the president and minority leader of the 41675  
senate and the speaker and minority leader of the house of 41676  
representatives of the denial and the reasons for the denial. 41677

(2) To be eligible to participate, a nursing home or 41678  
residential care facility shall agree to observe the standards 41679  
established by the board for the use of medication aides. A 41680  
nursing home is eligible to participate only if the department of 41681  
health has found in the ~~two~~ most recent ~~surveys~~ survey or 41682  
~~inspections~~ inspection of the home that the home is free from 41683  
deficiencies related to the administration of medication. A 41684  
residential care facility is eligible to participate only if the 41685  
department has found that the facility is free from deficiencies 41686  
related to the provision of skilled nursing care or the 41687

administration of medication. 41688

(D) As a condition of participation in the pilot program, a 41689  
nursing home and residential care facility selected by the board 41690  
shall pay the participation fee established in rules adopted under 41691  
section 4723.69 of the Revised Code. The participation fee is not 41692  
reimbursable under the medicaid program established under Chapter 41693  
5111. of the Revised Code. 41694

(E) On receipt of evidence found credible by the board that 41695  
continued participation by a nursing home or residential care 41696  
facility poses an imminent danger, risk of serious harm, or 41697  
jeopardy to a resident of the home or facility, the board may 41698  
terminate the authority of the home or facility to participate in 41699  
the pilot program. 41700

(F)(1) With the assistance of the medication aide advisory 41701  
council, the board shall conduct an evaluation of the pilot 41702  
program. In conducting the evaluation, the board shall do all of 41703  
the following: 41704

(a) Request from each nursing home and residential care 41705  
facility participating in the pilot program, on the ninety-first 41706  
day after the day the board issues a medication aide certificate 41707  
under section 4723.651 of the Revised Code to the seventy-fifth 41708  
individual, the data the board requires participating nursing 41709  
homes and residential care facilities to report under rules the 41710  
board adopts under section 4723.69 of the Revised Code. 41711

(b) Assess whether medication aides are able to administer 41712  
prescription medications safely to nursing home and residential 41713  
care facility residents; 41714

~~(b)~~(c) Determine the financial implications of using 41715  
medication aides in nursing homes and residential care facilities; 41716

~~(e)~~(d) Consider any other issue the board or council 41717  
considers relevant to the evaluation. 41718

(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first 41719  
day after the day the board issues a medication aide certificate 41720  
under section 4723.651 of the Revised Code to the seventy-fifth 41721  
individual, the board shall prepare a report of its findings and 41722  
recommendations derived from the evaluation of the pilot program. 41723  
The board shall submit the report to the governor, president and 41724  
minority leader of the senate, speaker and minority leader of the 41725  
house of representatives, and director of health. 41726

(G) The board shall, on the day it issues a medication aide 41727  
certificate to the seventy-fifth individual, post a notice on its 41728  
web site indicating the date on which any nursing home or 41729  
residential care facility may use medication aides in accordance 41730  
with section 4723.64 of the Revised Code. 41731

**Sec. 4723.64.** On and after ~~July 1, 2007~~ the thirty-first day 41732  
following the board of nursing's submission of the report required 41733  
by division (F)(2) of section 4723.63 of the Revised Code, any 41734  
nursing home or residential care facility may use one or more 41735  
medication aides to administer prescription medications to its 41736  
residents, subject to both of the following conditions: 41737

(A) Each individual used as a medication aide must hold a 41738  
current, valid medication aide certificate issued by the board of 41739  
nursing under this chapter. 41740

(B) The nursing home or residential care facility shall 41741  
ensure that the requirements of section 4723.67 of the Revised 41742  
Code are met. 41743

**Sec. 4723.65.** (A) An individual seeking certification as a 41744  
medication aide shall apply to the board of nursing on a form 41745  
prescribed and provided by the board. If the application is 41746  
submitted on or after ~~July 1, 2007~~ the day any nursing home or 41747  
residential care facility may initially use medication aides as 41748



specified in section 4723.64 of the Revised Code, the application 41749  
shall be accompanied by the certification fee established in rules 41750  
adopted under section 4723.69 of the Revised Code. 41751

(B)(1) Except as provided in division (B)(2) of this section, 41752  
an applicant for a medication aide certificate shall submit a 41753  
request to the bureau of criminal identification and investigation 41754  
for a criminal records check. The request shall be on the form 41755  
prescribed pursuant to division (C)(1) of section 109.572 of the 41756  
Revised Code and shall be accompanied by a standard impression 41757  
sheet to obtain fingerprints prescribed pursuant to division 41758  
(C)(2) of that section. The request shall also be accompanied by 41759  
the fee prescribed pursuant to division (C)(3) of section 109.572 41760  
of the Revised Code. On receipt of the completed form, the 41761  
completed impression sheet, and the fee, the bureau shall conduct 41762  
a criminal records check of the applicant. On completion of the 41763  
criminal records check, the bureau shall send the results of the 41764  
check to the board. An applicant requesting a criminal records 41765  
check under this division who has not lived in this state for at 41766  
least five years shall ask the superintendent of the bureau of 41767  
criminal identification and investigation to also request that the 41768  
federal bureau of investigation provide the superintendent with 41769  
any information it has with respect to the applicant. 41770

(2) If a criminal records check of an applicant was completed 41771  
pursuant to section 3721.121 of the Revised Code not more than 41772  
five years prior to the date the application is submitted, the 41773  
applicant may include a certified copy of the criminal records 41774  
check completed pursuant to that section and is not required to 41775  
comply with division (B)(1) of this section. 41776

(3) A criminal records check provided to the board in 41777  
accordance with division (B)(1) or (B)(2) of this section shall 41778  
not be made available to any person or for any purpose other than 41779  
the following: 41780

(a) The results may be made available to any person for use 41781  
in determining whether the individual who is the subject of the 41782  
check should be issued a medication aide certificate. 41783

(b) The results may be made available to the person who is 41784  
the subject of the check or a representative of that person. 41785

**Sec. 4723.66.** (A) A person or government entity seeking 41786  
approval to provide a medication aide training program shall apply 41787  
to the board of nursing on a form prescribed and provided by the 41788  
board. If the application is submitted on or after ~~July 1, 2007~~ 41789  
the day any nursing home or residential care facility may 41790  
initially use medication aides as specified in section 4723.64 of 41791  
the Revised Code, the application shall be accompanied by the fee 41792  
established in rules adopted under section 4723.69 of the Revised 41793  
Code. 41794

(B) The board shall approve the applicant to provide a 41795  
medication aide training program if the content of the course of 41796  
instruction to be provided by the program meets the standards 41797  
specified by the board in rules adopted under section 4723.69 of 41798  
the Revised Code and includes all of the following: 41799

(1) At least seventy clock-hours of instruction, including 41800  
both classroom instruction on medication administration and at 41801  
least twenty clock-hours of supervised clinical practice in 41802  
medication administration; 41803

(2) A mechanism for evaluating whether an individual's 41804  
reading, writing, and mathematical skills are sufficient for the 41805  
individual to be able to administer prescription medications 41806  
safely; 41807

(3) An examination that tests the ability to administer 41808  
prescription medications safely and that meets the requirements 41809  
established by the board in rules adopted under section 4723.69 of 41810

the Revised Code. 41811

(C) The board may deny, suspend, or revoke the approval 41812  
granted to the provider of a medication aide training program for 41813  
reasons specified in rules adopted under section 4723.69 of the 41814  
Revised Code. All actions taken by the board to deny, suspend, or 41815  
revoke the approval of a training program shall be taken in 41816  
accordance with Chapter 119. of the Revised Code. 41817

**Sec. 4731.053.** (A) As used in this section, "physician" means 41818  
an individual authorized by this chapter to practice medicine and 41819  
surgery, osteopathic medicine and surgery, or podiatric medicine 41820  
and surgery. 41821

(B) The state medical board shall adopt rules that establish 41822  
standards to be met and procedures to be followed by a physician 41823  
with respect to the physician's delegation of the performance of a 41824  
medical task to a person who is not licensed or otherwise 41825  
specifically authorized by the Revised Code to perform the task. 41826  
The rules shall be adopted in accordance with Chapter 119. of the 41827  
Revised Code and shall include a coroner's investigator among the 41828  
individuals who are competent to recite the facts of a deceased 41829  
person's medical condition to a physician so that the physician 41830  
may pronounce the person dead without personally examining the 41831  
body. 41832

(C) To the extent that delegation applies to the 41833  
administration of drugs, the rules adopted under this section 41834  
shall provide for all of the following: 41835

(1) On-site supervision when the delegation occurs in an 41836  
institution or other facility that is used primarily for the 41837  
purpose of providing health care, unless the board establishes a 41838  
specific exception to the on-site supervision requirement with 41839  
respect to routine administration of a topical drug, such as the 41840  
use of a medicated shampoo; 41841

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;	41842 41843
(3) Training and competency requirements that must be met by the person administering the drugs;	41844 41845
(4) Other standards and procedures the board considers relevant.	41846 41847
(D) The board shall not adopt rules that do any of the following:	41848 41849
(1) Authorize a physician to transfer the physician's responsibility for supervising a person who is performing a delegated medical task to a health professional other than another physician;	41850 41851 41852 41853
(2) Authorize an individual to whom a medical task is delegated to delegate the performance of that task to another individual;	41854 41855 41856
(3) Except as provided in divisions (D)(4) to (7) of this section, authorize a physician to delegate the administration of anesthesia, controlled substances, drugs administered intravenously, or any other drug or category of drug the board considers to be inappropriate for delegation;	41857 41858 41859 41860 41861
(4) Prevent an individual from engaging in an activity performed for a <del>handicapped</del> child <u>with a disability</u> as a service needed to meet the educational needs of the child, as identified in the individualized education program developed for the child under Chapter 3323. of the Revised Code;	41862 41863 41864 41865 41866
(5) Conflict with any provision of the Revised Code that specifically authorizes an individual to perform a particular task;	41867 41868 41869
(6) Conflict with any rule adopted pursuant to the Revised Code that is in effect on April 10, 2001, as long as the rule	41870 41871

remains in effect, specifically authorizing an individual to 41872  
perform a particular task; 41873

(7) Prohibit a perfusionist from administering drugs 41874  
intravenously while practicing as a perfusionist; 41875

(8) Authorize a physician assistant, anesthesiologist 41876  
assistant, or any other professional regulated by the board to 41877  
delegate tasks pursuant to this section. 41878

**Sec. 4731.142.** (A) Except as provided in division (B) of this 41879  
section, an individual must demonstrate proficiency in spoken 41880  
English, by passing an examination specified by the state medical 41881  
board, to receive a certificate to practice issued under section 41882  
4731.14 of the Revised Code if the individual's eligibility for 41883  
the certificate is based in part on certification from the 41884  
educational commission for foreign medical graduates and 41885  
fulfillment of the undergraduate requirements established by 41886  
section 4731.09 of the Revised Code at an institution outside the 41887  
United States. ~~The individual may demonstrate such proficiency by~~ 41888  
~~obtaining a score of forty or higher on the test of spoken English~~ 41889  
~~conducted by the educational testing service~~ The board shall adopt 41890  
rules specifying an acceptable examination and establishing the 41891  
minimum score that demonstrates proficiency in spoken English. 41892

(B) An individual is not required to demonstrate proficiency 41893  
in spoken English in accordance with division (A) of this section 41894  
if the individual was required to demonstrate such proficiency as 41895  
a condition of certification from the educational commission for 41896  
foreign medical graduates. 41897

**Sec. 4731.22.** (A) The state medical board, by an affirmative 41898  
vote of not fewer than six of its members, may revoke or may 41899  
refuse to grant a certificate to a person found by the board to 41900  
have committed fraud during the administration of the examination 41901

for a certificate to practice or to have committed fraud, 41902  
misrepresentation, or deception in applying for or securing any 41903  
certificate to practice or certificate of registration issued by 41904  
the board. 41905

(B) The board, by an affirmative vote of not fewer than six 41906  
members, shall, to the extent permitted by law, limit, revoke, or 41907  
suspend an individual's certificate to practice, refuse to 41908  
register an individual, refuse to reinstate a certificate, or 41909  
reprimand or place on probation the holder of a certificate for 41910  
one or more of the following reasons: 41911

(1) Permitting one's name or one's certificate to practice or 41912  
certificate of registration to be used by a person, group, or 41913  
corporation when the individual concerned is not actually 41914  
directing the treatment given; 41915

(2) Failure to maintain minimal standards applicable to the 41916  
selection or administration of drugs, or failure to employ 41917  
acceptable scientific methods in the selection of drugs or other 41918  
modalities for treatment of disease; 41919

(3) Selling, giving away, personally furnishing, prescribing, 41920  
or administering drugs for other than legal and legitimate 41921  
therapeutic purposes or a plea of guilty to, a judicial finding of 41922  
guilt of, or a judicial finding of eligibility for intervention in 41923  
lieu of conviction of, a violation of any federal or state law 41924  
regulating the possession, distribution, or use of any drug; 41925

(4) Willfully betraying a professional confidence. 41926

For purposes of this division, "willfully betraying a 41927  
professional confidence" does not include providing any 41928  
information, documents, or reports to a child fatality review 41929  
board under sections 307.621 to 307.629 of the Revised Code and 41930  
does not include the making of a report of an employee's use of a 41931  
drug of abuse, or a report of a condition of an employee other 41932

than one involving the use of a drug of abuse, to the employer of 41933  
the employee as described in division (B) of section 2305.33 of 41934  
the Revised Code. Nothing in this division affects the immunity 41935  
from civil liability conferred by that section upon a physician 41936  
who makes either type of report in accordance with division (B) of 41937  
that section. As used in this division, "employee," "employer," 41938  
and "physician" have the same meanings as in section 2305.33 of 41939  
the Revised Code. 41940

(5) Making a false, fraudulent, deceptive, or misleading 41941  
statement in the solicitation of or advertising for patients; in 41942  
relation to the practice of medicine and surgery, osteopathic 41943  
medicine and surgery, podiatric medicine and surgery, or a limited 41944  
branch of medicine; or in securing or attempting to secure any 41945  
certificate to practice or certificate of registration issued by 41946  
the board. 41947

As used in this division, "false, fraudulent, deceptive, or 41948  
misleading statement" means a statement that includes a 41949  
misrepresentation of fact, is likely to mislead or deceive because 41950  
of a failure to disclose material facts, is intended or is likely 41951  
to create false or unjustified expectations of favorable results, 41952  
or includes representations or implications that in reasonable 41953  
probability will cause an ordinarily prudent person to 41954  
misunderstand or be deceived. 41955

(6) A departure from, or the failure to conform to, minimal 41956  
standards of care of similar practitioners under the same or 41957  
similar circumstances, whether or not actual injury to a patient 41958  
is established; 41959

(7) Representing, with the purpose of obtaining compensation 41960  
or other advantage as personal gain or for any other person, that 41961  
an incurable disease or injury, or other incurable condition, can 41962  
be permanently cured; 41963

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	41964 41965 41966
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	41967 41968 41969
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	41970 41971 41972
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	41973 41974 41975
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	41976 41977 41978
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	41979 41980 41981
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	41982 41983 41984
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	41985 41986
(16) Failure to pay license renewal fees specified in this chapter;	41987 41988
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	41989 41990 41991 41992
(18) Subject to section 4731.226 of the Revised Code,	41993



violation of any provision of a code of ethics of the American 41994  
medical association, the American osteopathic association, the 41995  
American podiatric medical association, or any other national 41996  
professional organizations that the board specifies by rule. The 41997  
state medical board shall obtain and keep on file current copies 41998  
of the codes of ethics of the various national professional 41999  
organizations. The individual whose certificate is being suspended 42000  
or revoked shall not be found to have violated any provision of a 42001  
code of ethics of an organization not appropriate to the 42002  
individual's profession. 42003

For purposes of this division, a "provision of a code of 42004  
ethics of a national professional organization" does not include 42005  
any provision that would preclude the making of a report by a 42006  
physician of an employee's use of a drug of abuse, or of a 42007  
condition of an employee other than one involving the use of a 42008  
drug of abuse, to the employer of the employee as described in 42009  
division (B) of section 2305.33 of the Revised Code. Nothing in 42010  
this division affects the immunity from civil liability conferred 42011  
by that section upon a physician who makes either type of report 42012  
in accordance with division (B) of that section. As used in this 42013  
division, "employee," "employer," and "physician" have the same 42014  
meanings as in section 2305.33 of the Revised Code. 42015

(19) Inability to practice according to acceptable and 42016  
prevailing standards of care by reason of mental illness or 42017  
physical illness, including, but not limited to, physical 42018  
deterioration that adversely affects cognitive, motor, or 42019  
perceptive skills. 42020

In enforcing this division, the board, upon a showing of a 42021  
possible violation, may compel any individual authorized to 42022  
practice by this chapter or who has submitted an application 42023  
pursuant to this chapter to submit to a mental examination, 42024  
physical examination, including an HIV test, or both a mental and 42025

a physical examination. The expense of the examination is the 42026  
responsibility of the individual compelled to be examined. Failure 42027  
to submit to a mental or physical examination or consent to an HIV 42028  
test ordered by the board constitutes an admission of the 42029  
allegations against the individual unless the failure is due to 42030  
circumstances beyond the individual's control, and a default and 42031  
final order may be entered without the taking of testimony or 42032  
presentation of evidence. If the board finds an individual unable 42033  
to practice because of the reasons set forth in this division, the 42034  
board shall require the individual to submit to care, counseling, 42035  
or treatment by physicians approved or designated by the board, as 42036  
a condition for initial, continued, reinstated, or renewed 42037  
authority to practice. An individual affected under this division 42038  
shall be afforded an opportunity to demonstrate to the board the 42039  
ability to resume practice in compliance with acceptable and 42040  
prevailing standards under the provisions of the individual's 42041  
certificate. For the purpose of this division, any individual who 42042  
applies for or receives a certificate to practice under this 42043  
chapter accepts the privilege of practicing in this state and, by 42044  
so doing, shall be deemed to have given consent to submit to a 42045  
mental or physical examination when directed to do so in writing 42046  
by the board, and to have waived all objections to the 42047  
admissibility of testimony or examination reports that constitute 42048  
a privileged communication. 42049

(20) Except when civil penalties are imposed under section 42050  
4731.225 or 4731.281 of the Revised Code, and subject to section 42051  
4731.226 of the Revised Code, violating or attempting to violate, 42052  
directly or indirectly, or assisting in or abetting the violation 42053  
of, or conspiring to violate, any provisions of this chapter or 42054  
any rule promulgated by the board. 42055

This division does not apply to a violation or attempted 42056  
violation of, assisting in or abetting the violation of, or a 42057

conspiracy to violate, any provision of this chapter or any rule 42058  
adopted by the board that would preclude the making of a report by 42059  
a physician of an employee's use of a drug of abuse, or of a 42060  
condition of an employee other than one involving the use of a 42061  
drug of abuse, to the employer of the employee as described in 42062  
division (B) of section 2305.33 of the Revised Code. Nothing in 42063  
this division affects the immunity from civil liability conferred 42064  
by that section upon a physician who makes either type of report 42065  
in accordance with division (B) of that section. As used in this 42066  
division, "employee," "employer," and "physician" have the same 42067  
meanings as in section 2305.33 of the Revised Code. 42068

(21) The violation of section 3701.79 of the Revised Code or 42069  
of any abortion rule adopted by the public health council pursuant 42070  
to section 3701.341 of the Revised Code; 42071

(22) Any of the following actions taken by the agency 42072  
responsible for regulating the practice of medicine and surgery, 42073  
osteopathic medicine and surgery, podiatric medicine and surgery, 42074  
or the limited branches of medicine in another jurisdiction, for 42075  
any reason other than the nonpayment of fees: the limitation, 42076  
revocation, or suspension of an individual's license to practice; 42077  
acceptance of an individual's license surrender; denial of a 42078  
license; refusal to renew or reinstate a license; imposition of 42079  
probation; or issuance of an order of censure or other reprimand; 42080

(23) The violation of section 2919.12 of the Revised Code or 42081  
the performance or inducement of an abortion upon a pregnant woman 42082  
with actual knowledge that the conditions specified in division 42083  
(B) of section 2317.56 of the Revised Code have not been satisfied 42084  
or with a heedless indifference as to whether those conditions 42085  
have been satisfied, unless an affirmative defense as specified in 42086  
division (H)(2) of that section would apply in a civil action 42087  
authorized by division (H)(1) of that section; 42088

(24) The revocation, suspension, restriction, reduction, or 42089

termination of clinical privileges by the United States department 42090  
of defense or department of veterans affairs or the termination or 42091  
suspension of a certificate of registration to prescribe drugs by 42092  
the drug enforcement administration of the United States 42093  
department of justice; 42094

(25) Termination or suspension from participation in the 42095  
medicare or medicaid programs by the department of health and 42096  
human services or other responsible agency for any act or acts 42097  
that also would constitute a violation of division (B)(2), (3), 42098  
(6), (8), or (19) of this section; 42099

(26) Impairment of ability to practice according to 42100  
acceptable and prevailing standards of care because of habitual or 42101  
excessive use or abuse of drugs, alcohol, or other substances that 42102  
impair ability to practice. 42103

For the purposes of this division, any individual authorized 42104  
to practice by this chapter accepts the privilege of practicing in 42105  
this state subject to supervision by the board. By filing an 42106  
application for or holding a certificate to practice under this 42107  
chapter, an individual shall be deemed to have given consent to 42108  
submit to a mental or physical examination when ordered to do so 42109  
by the board in writing, and to have waived all objections to the 42110  
admissibility of testimony or examination reports that constitute 42111  
privileged communications. 42112

If it has reason to believe that any individual authorized to 42113  
practice by this chapter or any applicant for certification to 42114  
practice suffers such impairment, the board may compel the 42115  
individual to submit to a mental or physical examination, or both. 42116  
The expense of the examination is the responsibility of the 42117  
individual compelled to be examined. Any mental or physical 42118  
examination required under this division shall be undertaken by a 42119  
treatment provider or physician who is qualified to conduct the 42120  
examination and who is chosen by the board. 42121

Failure to submit to a mental or physical examination ordered 42122  
by the board constitutes an admission of the allegations against 42123  
the individual unless the failure is due to circumstances beyond 42124  
the individual's control, and a default and final order may be 42125  
entered without the taking of testimony or presentation of 42126  
evidence. If the board determines that the individual's ability to 42127  
practice is impaired, the board shall suspend the individual's 42128  
certificate or deny the individual's application and shall require 42129  
the individual, as a condition for initial, continued, reinstated, 42130  
or renewed certification to practice, to submit to treatment. 42131

Before being eligible to apply for reinstatement of a 42132  
certificate suspended under this division, the impaired 42133  
practitioner shall demonstrate to the board the ability to resume 42134  
practice in compliance with acceptable and prevailing standards of 42135  
care under the provisions of the practitioner's certificate. The 42136  
demonstration shall include, but shall not be limited to, the 42137  
following: 42138

(a) Certification from a treatment provider approved under 42139  
section 4731.25 of the Revised Code that the individual has 42140  
successfully completed any required inpatient treatment; 42141

(b) Evidence of continuing full compliance with an aftercare 42142  
contract or consent agreement; 42143

(c) Two written reports indicating that the individual's 42144  
ability to practice has been assessed and that the individual has 42145  
been found capable of practicing according to acceptable and 42146  
prevailing standards of care. The reports shall be made by 42147  
individuals or providers approved by the board for making the 42148  
assessments and shall describe the basis for their determination. 42149

The board may reinstate a certificate suspended under this 42150  
division after that demonstration and after the individual has 42151  
entered into a written consent agreement. 42152

When the impaired practitioner resumes practice, the board 42153  
shall require continued monitoring of the individual. The 42154  
monitoring shall include, but not be limited to, compliance with 42155  
the written consent agreement entered into before reinstatement or 42156  
with conditions imposed by board order after a hearing, and, upon 42157  
termination of the consent agreement, submission to the board for 42158  
at least two years of annual written progress reports made under 42159  
penalty of perjury stating whether the individual has maintained 42160  
sobriety. 42161

(27) A second or subsequent violation of section 4731.66 or 42162  
4731.69 of the Revised Code; 42163

(28) Except as provided in division (N) of this section: 42164

(a) Waiving the payment of all or any part of a deductible or 42165  
copayment that a patient, pursuant to a health insurance or health 42166  
care policy, contract, or plan that covers the individual's 42167  
services, otherwise would be required to pay if the waiver is used 42168  
as an enticement to a patient or group of patients to receive 42169  
health care services from that individual; 42170

(b) Advertising that the individual will waive the payment of 42171  
all or any part of a deductible or copayment that a patient, 42172  
pursuant to a health insurance or health care policy, contract, or 42173  
plan that covers the individual's services, otherwise would be 42174  
required to pay. 42175

(29) Failure to use universal blood and body fluid 42176  
precautions established by rules adopted under section 4731.051 of 42177  
the Revised Code; 42178

(30) Failure to provide notice to, and receive acknowledgment 42179  
of the notice from, a patient when required by section 4731.143 of 42180  
the Revised Code prior to providing nonemergency professional 42181  
services, or failure to maintain that notice in the patient's 42182  
file; 42183

(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;	42184 42185 42186 42187
(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;	42188 42189 42190 42191 42192 42193 42194
(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;	42195 42196 42197
(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;	42198 42199 42200 42201 42202 42203 42204 42205 42206
(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;	42207 42208 42209
(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;	42210 42211 42212
(37) Assisting suicide as defined in section 3795.01 of the Revised Code.	42213 42214

(C) Disciplinary actions taken by the board under divisions 42215  
(A) and (B) of this section shall be taken pursuant to an 42216  
adjudication under Chapter 119. of the Revised Code, except that 42217  
in lieu of an adjudication, the board may enter into a consent 42218  
agreement with an individual to resolve an allegation of a 42219  
violation of this chapter or any rule adopted under it. A consent 42220  
agreement, when ratified by an affirmative vote of not fewer than 42221  
six members of the board, shall constitute the findings and order 42222  
of the board with respect to the matter addressed in the 42223  
agreement. If the board refuses to ratify a consent agreement, the 42224  
admissions and findings contained in the consent agreement shall 42225  
be of no force or effect. 42226

If the board takes disciplinary action against an individual 42227  
under division (B) of this section for a second or subsequent plea 42228  
of guilty to, or judicial finding of guilt of, a violation of 42229  
section 2919.123 of the Revised Code, the disciplinary action 42230  
shall consist of a suspension of the individual's certificate to 42231  
practice for a period of at least one year or, if determined 42232  
appropriate by the board, a more serious sanction involving the 42233  
individual's certificate to practice. Any consent agreement 42234  
entered into under this division with an individual that pertains 42235  
to a second or subsequent plea of guilty to, or judicial finding 42236  
of guilt of, a violation of that section shall provide for a 42237  
suspension of the individual's certificate to practice for a 42238  
period of at least one year or, if determined appropriate by the 42239  
board, a more serious sanction involving the individual's 42240  
certificate to practice. 42241

(D) For purposes of divisions (B)(10), (12), and (14) of this 42242  
section, the commission of the act may be established by a finding 42243  
by the board, pursuant to an adjudication under Chapter 119. of 42244  
the Revised Code, that the individual committed the act. The board 42245  
does not have jurisdiction under those divisions if the trial 42246



court renders a final judgment in the individual's favor and that 42247  
judgment is based upon an adjudication on the merits. The board 42248  
has jurisdiction under those divisions if the trial court issues 42249  
an order of dismissal upon technical or procedural grounds. 42250

(E) The sealing of conviction records by any court shall have 42251  
no effect upon a prior board order entered under this section or 42252  
upon the board's jurisdiction to take action under this section 42253  
if, based upon a plea of guilty, a judicial finding of guilt, or a 42254  
judicial finding of eligibility for intervention in lieu of 42255  
conviction, the board issued a notice of opportunity for a hearing 42256  
prior to the court's order to seal the records. The board shall 42257  
not be required to seal, destroy, redact, or otherwise modify its 42258  
records to reflect the court's sealing of conviction records. 42259

(F)(1) The board shall investigate evidence that appears to 42260  
show that a person has violated any provision of this chapter or 42261  
any rule adopted under it. Any person may report to the board in a 42262  
signed writing any information that the person may have that 42263  
appears to show a violation of any provision of this chapter or 42264  
any rule adopted under it. In the absence of bad faith, any person 42265  
who reports information of that nature or who testifies before the 42266  
board in any adjudication conducted under Chapter 119. of the 42267  
Revised Code shall not be liable in damages in a civil action as a 42268  
result of the report or testimony. Each complaint or allegation of 42269  
a violation received by the board shall be assigned a case number 42270  
and shall be recorded by the board. 42271

(2) Investigations of alleged violations of this chapter or 42272  
any rule adopted under it shall be supervised by the supervising 42273  
member elected by the board in accordance with section 4731.02 of 42274  
the Revised Code and by the secretary as provided in section 42275  
4731.39 of the Revised Code. The president may designate another 42276  
member of the board to supervise the investigation in place of the 42277  
supervising member. No member of the board who supervises the 42278

investigation of a case shall participate in further adjudication 42279  
of the case. 42280

(3) In investigating a possible violation of this chapter or 42281  
any rule adopted under this chapter, the board may administer 42282  
oaths, order the taking of depositions, issue subpoenas, and 42283  
compel the attendance of witnesses and production of books, 42284  
accounts, papers, records, documents, and testimony, except that a 42285  
subpoena for patient record information shall not be issued 42286  
without consultation with the attorney general's office and 42287  
approval of the secretary and supervising member of the board. 42288  
Before issuance of a subpoena for patient record information, the 42289  
secretary and supervising member shall determine whether there is 42290  
probable cause to believe that the complaint filed alleges a 42291  
violation of this chapter or any rule adopted under it and that 42292  
the records sought are relevant to the alleged violation and 42293  
material to the investigation. The subpoena may apply only to 42294  
records that cover a reasonable period of time surrounding the 42295  
alleged violation. 42296

On failure to comply with any subpoena issued by the board 42297  
and after reasonable notice to the person being subpoenaed, the 42298  
board may move for an order compelling the production of persons 42299  
or records pursuant to the Rules of Civil Procedure. 42300

A subpoena issued by the board may be served by a sheriff, 42301  
the sheriff's deputy, or a board employee designated by the board. 42302  
Service of a subpoena issued by the board may be made by 42303  
delivering a copy of the subpoena to the person named therein, 42304  
reading it to the person, or leaving it at the person's usual 42305  
place of residence. When the person being served is a person whose 42306  
practice is authorized by this chapter, service of the subpoena 42307  
may be made by certified mail, restricted delivery, return receipt 42308  
requested, and the subpoena shall be deemed served on the date 42309  
delivery is made or the date the person refuses to accept 42310

delivery. 42311

A sheriff's deputy who serves a subpoena shall receive the 42312  
same fees as a sheriff. Each witness who appears before the board 42313  
in obedience to a subpoena shall receive the fees and mileage 42314  
provided for witnesses in civil cases in the courts of common 42315  
pleas. 42316

(4) All hearings and investigations of the board shall be 42317  
considered civil actions for the purposes of section 2305.252 of 42318  
the Revised Code. 42319

(5) Information received by the board pursuant to an 42320  
investigation is confidential and not subject to discovery in any 42321  
civil action. 42322

The board shall conduct all investigations and proceedings in 42323  
a manner that protects the confidentiality of patients and persons 42324  
who file complaints with the board. The board shall not make 42325  
public the names or any other identifying information about 42326  
patients or complainants unless proper consent is given or, in the 42327  
case of a patient, a waiver of the patient privilege exists under 42328  
division (B) of section 2317.02 of the Revised Code, except that 42329  
consent or a waiver of that nature is not required if the board 42330  
possesses reliable and substantial evidence that no bona fide 42331  
physician-patient relationship exists. 42332

The board may share any information it receives pursuant to 42333  
an investigation, including patient records and patient record 42334  
information, with law enforcement agencies, other licensing 42335  
boards, and other governmental agencies that are prosecuting, 42336  
adjudicating, or investigating alleged violations of statutes or 42337  
administrative rules. An agency or board that receives the 42338  
information shall comply with the same requirements regarding 42339  
confidentiality as those with which the state medical board must 42340  
comply, notwithstanding any conflicting provision of the Revised 42341

Code or procedure of the agency or board that applies when it is 42342  
dealing with other information in its possession. In a judicial 42343  
proceeding, the information may be admitted into evidence only in 42344  
accordance with the Rules of Evidence, but the court shall require 42345  
that appropriate measures are taken to ensure that confidentiality 42346  
is maintained with respect to any part of the information that 42347  
contains names or other identifying information about patients or 42348  
complainants whose confidentiality was protected by the state 42349  
medical board when the information was in the board's possession. 42350  
Measures to ensure confidentiality that may be taken by the court 42351  
include sealing its records or deleting specific information from 42352  
its records. 42353

(6) On a quarterly basis, the board shall prepare a report 42354  
that documents the disposition of all cases during the preceding 42355  
three months. The report shall contain the following information 42356  
for each case with which the board has completed its activities: 42357

(a) The case number assigned to the complaint or alleged 42358  
violation; 42359

(b) The type of certificate to practice, if any, held by the 42360  
individual against whom the complaint is directed; 42361

(c) A description of the allegations contained in the 42362  
complaint; 42363

(d) The disposition of the case. 42364

The report shall state how many cases are still pending and 42365  
shall be prepared in a manner that protects the identity of each 42366  
person involved in each case. The report shall be a public record 42367  
under section 149.43 of the Revised Code. 42368

(G) If the secretary and supervising member determine that 42369  
there is clear and convincing evidence that an individual has 42370  
violated division (B) of this section and that the individual's 42371  
continued practice presents a danger of immediate and serious harm 42372

to the public, they may recommend that the board suspend the 42373  
individual's certificate to practice without a prior hearing. 42374  
Written allegations shall be prepared for consideration by the 42375  
board. 42376

The board, upon review of those allegations and by an 42377  
affirmative vote of not fewer than six of its members, excluding 42378  
the secretary and supervising member, may suspend a certificate 42379  
without a prior hearing. A telephone conference call may be 42380  
utilized for reviewing the allegations and taking the vote on the 42381  
summary suspension. 42382

The board shall issue a written order of suspension by 42383  
certified mail or in person in accordance with section 119.07 of 42384  
the Revised Code. The order shall not be subject to suspension by 42385  
the court during pendency of any appeal filed under section 119.12 42386  
of the Revised Code. If the individual subject to the summary 42387  
suspension requests an adjudicatory hearing by the board, the date 42388  
set for the hearing shall be within fifteen days, but not earlier 42389  
than seven days, after the individual requests the hearing, unless 42390  
otherwise agreed to by both the board and the individual. 42391

Any summary suspension imposed under this division shall 42392  
remain in effect, unless reversed on appeal, until a final 42393  
adjudicative order issued by the board pursuant to this section 42394  
and Chapter 119. of the Revised Code becomes effective. The board 42395  
shall issue its final adjudicative order within ~~sixty~~ seventy-five 42396  
days after completion of its hearing. A failure to issue the order 42397  
within ~~sixty~~ seventy-five days shall result in dissolution of the 42398  
summary suspension order but shall not invalidate any subsequent, 42399  
final adjudicative order. 42400

(H) If the board takes action under division (B)(9), (11), or 42401  
(13) of this section and the judicial finding of guilt, guilty 42402  
plea, or judicial finding of eligibility for intervention in lieu 42403  
of conviction is overturned on appeal, upon exhaustion of the 42404

criminal appeal, a petition for reconsideration of the order may 42405  
be filed with the board along with appropriate court documents. 42406  
Upon receipt of a petition of that nature and supporting court 42407  
documents, the board shall reinstate the individual's certificate 42408  
to practice. The board may then hold an adjudication under Chapter 42409  
119. of the Revised Code to determine whether the individual 42410  
committed the act in question. Notice of an opportunity for a 42411  
hearing shall be given in accordance with Chapter 119. of the 42412  
Revised Code. If the board finds, pursuant to an adjudication held 42413  
under this division, that the individual committed the act or if 42414  
no hearing is requested, the board may order any of the sanctions 42415  
identified under division (B) of this section. 42416

(I) The certificate to practice issued to an individual under 42417  
this chapter and the individual's practice in this state are 42418  
automatically suspended as of the date of the individual's second 42419  
or subsequent plea of guilty to, or judicial finding of guilt of, 42420  
a violation of section 2919.123 of the Revised Code, or the date 42421  
the individual pleads guilty to, is found by a judge or jury to be 42422  
guilty of, or is subject to a judicial finding of eligibility for 42423  
intervention in lieu of conviction in this state or treatment or 42424  
intervention in lieu of conviction in another jurisdiction for any 42425  
of the following criminal offenses in this state or a 42426  
substantially equivalent criminal offense in another jurisdiction: 42427  
aggravated murder, murder, voluntary manslaughter, felonious 42428  
assault, kidnapping, rape, sexual battery, gross sexual 42429  
imposition, aggravated arson, aggravated robbery, or aggravated 42430  
burglary. Continued practice after suspension shall be considered 42431  
practicing without a certificate. 42432

The board shall notify the individual subject to the 42433  
suspension by certified mail or in person in accordance with 42434  
section 119.07 of the Revised Code. If an individual whose 42435  
certificate is automatically suspended under this division fails 42436

to make a timely request for an adjudication under Chapter 119. of 42437  
the Revised Code, the board shall do whichever of the following is 42438  
applicable: 42439

(1) If the automatic suspension under this division is for a 42440  
second or subsequent plea of guilty to, or judicial finding of 42441  
guilt of, a violation of section 2919.123 of the Revised Code, the 42442  
board shall enter an order suspending the individual's certificate 42443  
to practice for a period of at least one year or, if determined 42444  
appropriate by the board, imposing a more serious sanction 42445  
involving the individual's certificate to practice. 42446

(2) In all circumstances in which division (I)(1) of this 42447  
section does not apply, enter a final order permanently revoking 42448  
the individual's certificate to practice. 42449

(J) If the board is required by Chapter 119. of the Revised 42450  
Code to give notice of an opportunity for a hearing and if the 42451  
individual subject to the notice does not timely request a hearing 42452  
in accordance with section 119.07 of the Revised Code, the board 42453  
is not required to hold a hearing, but may adopt, by an 42454  
affirmative vote of not fewer than six of its members, a final 42455  
order that contains the board's findings. In that final order, the 42456  
board may order any of the sanctions identified under division (A) 42457  
or (B) of this section. 42458

(K) Any action taken by the board under division (B) of this 42459  
section resulting in a suspension from practice shall be 42460  
accompanied by a written statement of the conditions under which 42461  
the individual's certificate to practice may be reinstated. The 42462  
board shall adopt rules governing conditions to be imposed for 42463  
reinstatement. Reinstatement of a certificate suspended pursuant 42464  
to division (B) of this section requires an affirmative vote of 42465  
not fewer than six members of the board. 42466

(L) When the board refuses to grant a certificate to an 42467

applicant, revokes an individual's certificate to practice, 42468  
refuses to register an applicant, or refuses to reinstate an 42469  
individual's certificate to practice, the board may specify that 42470  
its action is permanent. An individual subject to a permanent 42471  
action taken by the board is forever thereafter ineligible to hold 42472  
a certificate to practice and the board shall not accept an 42473  
application for reinstatement of the certificate or for issuance 42474  
of a new certificate. 42475

(M) Notwithstanding any other provision of the Revised Code, 42476  
all of the following apply: 42477

(1) The surrender of a certificate issued under this chapter 42478  
shall not be effective unless or until accepted by the board. 42479  
Reinstatement of a certificate surrendered to the board requires 42480  
an affirmative vote of not fewer than six members of the board. 42481

(2) An application for a certificate made under the 42482  
provisions of this chapter may not be withdrawn without approval 42483  
of the board. 42484

(3) Failure by an individual to renew a certificate of 42485  
registration in accordance with this chapter shall not remove or 42486  
limit the board's jurisdiction to take any disciplinary action 42487  
under this section against the individual. 42488

(N) Sanctions shall not be imposed under division (B)(28) of 42489  
this section against any person who waives deductibles and 42490  
copayments as follows: 42491

(1) In compliance with the health benefit plan that expressly 42492  
allows such a practice. Waiver of the deductibles or copayments 42493  
shall be made only with the full knowledge and consent of the plan 42494  
purchaser, payer, and third-party administrator. Documentation of 42495  
the consent shall be made available to the board upon request. 42496

(2) For professional services rendered to any other person 42497  
authorized to practice pursuant to this chapter, to the extent 42498



allowed by this chapter and rules adopted by the board. 42499

(O) Under the board's investigative duties described in this 42500  
section and subject to division (F) of this section, the board 42501  
shall develop and implement a quality intervention program 42502  
designed to improve through remedial education the clinical and 42503  
communication skills of individuals authorized under this chapter 42504  
to practice medicine and surgery, osteopathic medicine and 42505  
surgery, and podiatric medicine and surgery. In developing and 42506  
implementing the quality intervention program, the board may do 42507  
all of the following: 42508

(1) Offer in appropriate cases as determined by the board an 42509  
educational and assessment program pursuant to an investigation 42510  
the board conducts under this section; 42511

(2) Select providers of educational and assessment services, 42512  
including a quality intervention program panel of case reviewers; 42513

(3) Make referrals to educational and assessment service 42514  
providers and approve individual educational programs recommended 42515  
by those providers. The board shall monitor the progress of each 42516  
individual undertaking a recommended individual educational 42517  
program. 42518

(4) Determine what constitutes successful completion of an 42519  
individual educational program and require further monitoring of 42520  
the individual who completed the program or other action that the 42521  
board determines to be appropriate; 42522

(5) Adopt rules in accordance with Chapter 119. of the 42523  
Revised Code to further implement the quality intervention 42524  
program. 42525

An individual who participates in an individual educational 42526  
program pursuant to this division shall pay the financial 42527  
obligations arising from that educational program. 42528

**Sec. 4735.10.** (A)(1) The Ohio real estate commission may 42529  
adopt reasonable rules in accordance with Chapter 119. of the 42530  
Revised Code, necessary for implementing the provisions of this 42531  
chapter relating, but not limited to, the following: 42532

(a) The form and manner of filing applications for license; 42533

(b) Times and form of examination for license; 42534

(c) Placing an existing broker's license on deposit or a 42535  
salesperson's license on an inactive status for an indefinite 42536  
period. 42537

(2) The commission shall adopt reasonable rules in accordance 42538  
with Chapter 119. of the Revised Code, for implementing the 42539  
provisions of this chapter relating to the following: 42540

(a) The issuance, renewal, suspension, and revocation of 42541  
licenses, other sanctions that may be imposed for violations of 42542  
this chapter, the conduct of hearings related to these actions, 42543  
and the process of reactivating a license; 42544

(b) By not later than January 1, 2004, a three-year license 42545  
and a three-year license renewal system; 42546

(c) Standards for the approval of courses of study required 42547  
for licenses, or offered in preparation for license examinations, 42548  
or required as continuing education for licenses. ~~The rules shall 42549  
specify that no standard for the approval of a course of study 42550  
required as continuing education for licensees shall require that 42551  
licensees pass an examination as a condition for the successful 42552  
completion of a continuing education requirement. A person 42553  
providing a continuing education course may administer 42554  
examinations for the purpose of evaluating the effectiveness of 42555  
the course.~~ 42556

(d) Guidelines to ensure that continuing education classes 42557  
are open to all persons licensed under this chapter. The rules 42558

shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.

(e) Requirements for trust accounts and property management accounts. The rules shall specify that:

(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.

(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.

(f) Notice of renewal forms and filing deadlines;

(g) Special assessments under division (A) of section 4735.12 of the Revised Code.

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code;

(3) Acceptance and rejection of applications to take the

broker and salesperson examinations and licensure, with	42589
appropriate waivers pursuant to division (E) of section 4735.07	42590
and section 4735.09 of the Revised Code;	42591
(4) Approval of applications of brokers to place their	42592
licenses on deposit and to become salespersons under section	42593
4735.13 of the Revised Code;	42594
(5) Appointment of hearing examiners under section 119.09 of	42595
the Revised Code;	42596
(6) Acceptance and rejection of applications to take the	42597
foreign real estate dealer and salesperson examinations and	42598
licensure, with waiver of examination, under sections 4735.27 and	42599
4735.28 of the Revised Code;	42600
(7) Qualification of foreign real estate under section	42601
4735.25 of the Revised Code.	42602
If at any time there is no rule in effect establishing a	42603
guideline or standard required by this division, the	42604
superintendent may adopt a rule in accordance with Chapter 119. of	42605
the Revised Code for such purpose.	42606
(C) The commission or superintendent may hear testimony in	42607
matters relating to the duties imposed upon them, and the	42608
president of the commission and superintendent may administer	42609
oaths. The commission or superintendent may require other proof of	42610
the honesty, truthfulness, and good reputation of any person named	42611
in an application for a real estate broker's or real estate	42612
salesperson's license before admitting the applicant to the	42613
examination or issuing a license.	42614
<b>Sec. 4735.141.</b> (A) Except as otherwise provided in this	42615
division, each person licensed under section 4735.07 or 4735.09 of	42616
the Revised Code shall submit proof satisfactory to the	42617
superintendent of real estate that the licensee has satisfactorily	42618

completed thirty hours of continuing education, as prescribed by 42619  
the Ohio real estate commission pursuant to section 4735.10 of the 42620  
Revised Code, on or before the licensee's birthday occurring three 42621  
years after the licensee's date of initial licensure, and on or 42622  
before the licensee's birthday every three years thereafter. 42623

Persons licensed as real estate salespersons who subsequently 42624  
become licensed real estate brokers shall continue to submit proof 42625  
of continuing education in accordance with the time period 42626  
established in this section. 42627

The requirements of this section shall not apply to any 42628  
physically handicapped licensee as provided in division (E) of 42629  
this section. 42630

Each licensee who is seventy years of age or older, within a 42631  
continuing education reporting period, shall submit proof 42632  
satisfactory to the superintendent of real estate that the 42633  
licensee has satisfactorily completed a total of nine classroom 42634  
hours of continuing education, including instruction in Ohio real 42635  
estate law; recently enacted state and federal laws affecting the 42636  
real estate industry; municipal, state, and federal civil rights 42637  
law; and canons of ethics for the real estate industry as adopted 42638  
by the commission. The required proof of completion shall be 42639  
submitted on or before the licensee's birthday that falls in the 42640  
third year of that continuing education reporting period. A 42641  
licensee who is seventy years of age or older whose license is in 42642  
an inactive status is exempt from the continuing education 42643  
requirements specified in this section. The commission shall adopt 42644  
reasonable rules in accordance with Chapter 119. of the Revised 42645  
Code to carry out the purposes of this paragraph. 42646

~~A person providing any course of continuing education may 42647  
administer examinations to licensees for the purpose of evaluating 42648  
the effectiveness of the course, but passage of an examination by 42649  
a licensee shall not be a condition for successful completion of 42650~~

~~the continuing education requirements of this section.~~ 42651

(B) The continuing education requirements of this section 42652  
shall be completed in schools, seminars, and educational 42653  
institutions approved by the commission. Such approval shall be 42654  
given according to rules established by the commission under the 42655  
procedures of Chapter 119. of the Revised Code, and shall not be 42656  
limited to institutions providing two-year or four-year degrees. 42657  
Each school, seminar, or educational institution approved under 42658  
this division shall be open to all licensees on an equal basis. 42659

(C) If the requirements of this section are not met by a 42660  
licensee within the period specified, the licensee's license shall 42661  
be suspended automatically without the taking of any action by the 42662  
superintendent. The superintendent shall notify the licensee of 42663  
the license suspension. Any license so suspended shall remain 42664  
suspended until it is reactivated by the superintendent. No such 42665  
license shall be reactivated until it is established, to the 42666  
satisfaction of the superintendent, that the requirements of this 42667  
section have been met. If the requirements of this section are not 42668  
met within twelve months from the date the license was suspended, 42669  
the license shall be revoked automatically without the taking of 42670  
any action by the superintendent. 42671

(D) If the license of a real estate broker is suspended 42672  
pursuant to division (C) of this section, the license of a real 42673  
estate salesperson associated with that broker correspondingly is 42674  
suspended pursuant to division (H) of section 4735.20 of the 42675  
Revised Code. However, the suspended license of the associated 42676  
real estate salesperson shall be reactivated and no fee shall be 42677  
charged or collected for that reactivation if all of the following 42678  
occur: 42679

(1) That broker subsequently submits proof to the 42680  
superintendent that the broker has complied with the requirements 42681  
of this section and requests that the broker's license as a real 42682

estate broker be reactivated. 42683

(2) The superintendent then reactivates the broker's license 42684  
as a real estate broker. 42685

(3) The associated real estate salesperson intends to 42686  
continue to be associated with that broker, has complied with the 42687  
requirements of this section, and otherwise is in compliance with 42688  
this chapter. 42689

Any person whose license is reactivated pursuant to this 42690  
division shall submit proof satisfactory to the superintendent 42691  
that the person has completed thirty hours of continuing 42692  
education, as prescribed by the Ohio real estate commission, on or 42693  
before the third year following the licensee's birthday occurring 42694  
immediately after reactivation. 42695

(E) Any licensee who is a physically handicapped licensee at 42696  
any time during the last three months of the third year of the 42697  
licensee's continuing education reporting period may receive an 42698  
extension of time to submit proof to the superintendent that the 42699  
licensee has satisfactorily completed the required thirty hours of 42700  
continuing education. To receive an extension of time, the 42701  
licensee shall submit a request to the division of real estate for 42702  
the extension and proof satisfactory to the commission that the 42703  
licensee was a physically handicapped licensee at some time during 42704  
the last three months of the three-year reporting period. The 42705  
proof shall include, but is not limited to, a signed statement by 42706  
the licensee's attending physician describing the physical 42707  
disability, certifying that the licensee's disability is of such a 42708  
nature as to prevent the licensee from attending any instruction 42709  
lasting at least three hours in duration, and stating the expected 42710  
duration of the physical disability. The licensee shall request 42711  
the extension and provide the physician's statement to the 42712  
division no later than one month prior to the end of the 42713  
licensee's three-year continuing education reporting period, 42714

unless the physical disability did not arise until the last month 42715  
of the three-year reporting period, in which event the licensee 42716  
shall request the extension and provide the physician's statement 42717  
as soon as practical after the occurrence of the physical 42718  
disability. A licensee granted an extension pursuant to this 42719  
division who is no longer a physically handicapped licensee and 42720  
who submits proof of completion of the continuing education during 42721  
the extension period, shall submit, for future continuing 42722  
education reporting periods, proof of completion of the continuing 42723  
education requirements according to the schedule established in 42724  
division (A) of this section. 42725

**Sec. 4736.01.** As used in this chapter: 42726

(A) "Environmental health science" means the aspect of public 42727  
health science that includes, but is not limited to, the following 42728  
bodies of knowledge: air quality, food quality and protection, 42729  
hazardous and toxic substances, consumer product safety, housing, 42730  
institutional health and safety, community noise control, 42731  
radiation protection, recreational facilities, solid and liquid 42732  
waste management, vector control, drinking water quality, milk 42733  
sanitation, and rabies control. 42734

(B) "Sanitarian" means a person who performs for compensation 42735  
educational, investigational, technical, or administrative duties 42736  
requiring specialized knowledge and skills in the field of 42737  
environmental health science. 42738

(C) "Registered sanitarian" means a person who is registered 42739  
as a sanitarian in accordance with this chapter. 42740

(D) "Sanitarian-in-training" means a person who is registered 42741  
as a sanitarian-in-training in accordance with this chapter. 42742

(E) "Practice of environmental health" means consultation, 42743  
instruction, investigation, inspection, or evaluation by an 42744



employee of a city health district, a general health district, the 42745  
environmental protection agency, the department of health, or the 42746  
department of agriculture requiring specialized knowledge, 42747  
training, and experience in the field of environmental health 42748  
science, with the primary purpose of improving or conducting 42749  
administration or enforcement under any of the following: 42750

(1) Chapter 911., 913., 917., 3717., ~~3718.~~, 3721., 3729., or 42751  
3733. of the Revised Code; 42752

(2) Chapter 3734. of the Revised Code as it pertains to solid 42753  
waste; 42754

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 42755  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 42756

(4) Rules adopted under section 3701.34 of the Revised Code 42757  
pertaining to home sewage, rabies control, or swimming pools; 42758

(5) Rules adopted under section 3701.935 of the Revised Code 42759  
for school health and safety network inspections and rules adopted 42760  
under section 3707.26 of the Revised Code for sanitary 42761  
inspections. 42762

"Practice of environmental health" does not include sampling, 42763  
testing, controlling of vectors, reporting of observations, or 42764  
other duties that do not require application of specialized 42765  
knowledge and skills in environmental health science performed 42766  
under the supervision of a registered sanitarian. 42767

The state board of sanitarian registration may further define 42768  
environmental health science in relation to specific functions in 42769  
the practice of environmental health through rules adopted by the 42770  
board under Chapter 119. of the Revised Code. 42771

**Sec. 4743.05.** Except as otherwise provided in sections 42772  
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 42773  
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 42774

4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 42775  
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 42776  
4775., 4779., and 4781. of the Revised Code shall be paid into the 42777  
state treasury to the credit of the occupational licensing and 42778  
regulatory fund, which is hereby created for use in administering 42779  
such chapters. 42780

At the end of each quarter, the director of budget and 42781  
management shall transfer from the occupational licensing and 42782  
regulatory fund to the nurse education assistance fund created in 42783  
section 3333.28 of the Revised Code the amount certified to the 42784  
director under division (B) of section 4723.08 of the Revised 42785  
Code. 42786

At the end of each quarter, the director shall transfer from 42787  
the occupational licensing and regulatory fund to the certified 42788  
public accountant education assistance fund created in section 42789  
4701.26 of the Revised Code the amount certified to the director 42790  
under division (H)(2) of section 4701.10 of the Revised Code. 42791

**Sec. 4753.02.** No person shall practice, offer to practice, or 42792  
aid and abet the practice of the profession of speech-language 42793  
pathology or audiology, or use in connection with ~~his~~ the person's 42794  
name, or otherwise assume, use, or advertise any title or 42795  
description tending to convey the impression that ~~he~~ the person is 42796  
a speech-language pathologist or audiologist unless the person is 42797  
licensed or permitted under this chapter. 42798

**Sec. 4753.05.** (A) The board of speech-language pathology and 42799  
audiology may make reasonable rules necessary for the 42800  
administration of this chapter. The board shall adopt rules to 42801  
ensure ethical standards of practice by speech-language 42802  
pathologists and audiologists licensed or permitted pursuant to 42803  
this chapter. All rules adopted under this chapter shall be 42804

adopted in accordance with Chapter 119. of the Revised Code. 42805

(B) The board shall determine the nature and scope of 42806  
examinations to be administered to applicants for licensure 42807  
pursuant to this chapter in the practices of speech-language 42808  
pathology and audiology, and shall evaluate the qualifications of 42809  
all applicants. Written examinations may be supplemented by such 42810  
practical and oral examinations as the board shall determine by 42811  
rule. The board shall determine by rule the minimum examination 42812  
score for licensure. Licensure shall be granted independently in 42813  
speech-language pathology and audiology. The board shall maintain 42814  
a current public record of all persons licensed, to be made 42815  
available upon request. 42816

(C) The board shall publish and make available, upon request, 42817  
the licensure and permit standards prescribed by this chapter and 42818  
rules adopted pursuant thereto. 42819

(D) The board shall submit to the governor each year a report 42820  
of all its official actions during the preceding year together 42821  
with any recommendations and findings with regard to the 42822  
improvement of the professions of audiology and speech-language 42823  
pathology. 42824

(E) The board shall investigate all alleged irregularities in 42825  
the practices of speech-language pathology and audiology by 42826  
persons licensed or permitted pursuant to this chapter and any 42827  
violations of this chapter or rules adopted by the board. The 42828  
board shall not investigate the practice of any person 42829  
specifically exempted from licensure under this chapter by section 42830  
4753.12 of the Revised Code, as long as the person is practicing 42831  
within the scope of the person's license or is carrying out 42832  
responsibilities as described in division (G) or (H) of section 42833  
4753.12 of the Revised Code and does not claim to be a 42834  
speech-language pathologist or audiologist. 42835

In conducting investigations under this division, the board 42836  
may administer oaths, order the taking of depositions, issue 42837  
subpoenas, and compel the attendance of witnesses and the 42838  
production of books, accounts, papers, records, documents, and 42839  
testimony. In any case of disobedience or neglect of any subpoena 42840  
served on any person or the refusal of any witness to testify to 42841  
any matter regarding which the witness may lawfully be 42842  
interrogated, the court of common pleas of any county where such 42843  
disobedience, neglect, or refusal occurs or any judge thereof, on 42844  
application by the board, shall compel obedience by attachment 42845  
proceedings for contempt, as in the case of disobedience of the 42846  
requirements of a subpoena issued from such court, or a refusal to 42847  
testify therein. 42848

(F) The board shall conduct such hearings and keep such 42849  
records and minutes as are necessary to carry out this chapter. 42850

(G) The board shall adopt a seal by which it shall 42851  
authenticate its proceedings. Copies of the proceedings, records, 42852  
and acts signed by the chairperson or executive director and 42853  
authenticated by such seal shall be prima-facie evidence thereof 42854  
in all courts of this state. 42855

Sec. 4753.073. (A) The board of speech-language pathology and 42856  
audiology shall issue under its seal a speech-language pathology 42857  
student permit to any applicant who submits a plan that has been 42858  
approved by the applicant's university graduate program in 42859  
speech-language pathology and that conforms to requirements 42860  
determined by the board by rule and who meets all of the following 42861  
requirements: 42862

(1) Is enrolled in a graduate program at an educational 42863  
institution located in this state that is accredited by the 42864  
council on academic accreditation in audiology and speech-language 42865  
pathology of the American speech-language-hearing association; and 42866

(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the board may require by rule. 42867  
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(B) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following: 42871  
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(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule. 42875  
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(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology. 42877  
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(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision. 42883  
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(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule. 42889  
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(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology. 42892  
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**Sec. 4753.101.** The board of speech-language pathology and audiology, in accordance with Chapter 119. of the Revised Code, 42895  
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may establish rules to govern any disciplinary action to be taken 42897  
against a student issued a permit under section 4753.073 of the 42898  
Revised Code. The rules established by the board are not subject 42899  
to the adjudication procedure requirements of sections 119.06 to 42900  
119.13 of the Revised Code. 42901

**Sec. 4753.11.** (A) For all types of licenses and permits, the 42902  
board of speech-language pathology and audiology shall charge a 42903  
nonrefundable licensure or permit fee, to be determined by board 42904  
rule, which shall be paid at the time the application is filed 42905  
with the board. 42906

(B) On or before the thirty-first day of January of every 42907  
other year, the board shall charge a biennial licensure renewal 42908  
fee which shall be determined by board rule and used to defray 42909  
costs of the board. 42910

(C) The board may, by rule, provide for the waiver of all or 42911  
part of such fees when the license is issued less than one hundred 42912  
days before the date on which it will expire. 42913

(D) After the last day of the month designated by the board 42914  
for renewal, the board shall charge a late fee to be determined by 42915  
board rule in addition to the biennial licensure renewal fee. 42916

(E) No municipal corporation shall levy an occupational or 42917  
similar excise tax on any person licensed under this chapter. 42918

(F) All fees collected under this section and section 4753.09 42919  
of the Revised Code shall be paid into the state treasury to the 42920  
credit of the occupational licensing and regulatory fund. 42921

**Sec. 4755.03.** ~~All~~ Except as provided in section 4755.99 of 42922  
the Revised Code, all fees and fines collected and assessed under 42923  
this chapter by the appropriate section of the Ohio occupational 42924  
therapy, physical therapy, and athletic trainers board, shall be 42925  
deposited into the state treasury to the credit of the 42926

occupational licensing and regulatory fund. 42927

**Sec. 4766.05.** (A) The Ohio medical transportation board shall 42928  
establish by rule a license fee, a permit fee for each ambulance, 42929  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 42930  
nontransport vehicle owned or leased by the licensee that is or 42931  
will be used as provided in section 4766.07 of the Revised Code, 42932  
and fees for renewals of licenses and permits, taking into 42933  
consideration the actual costs incurred by the board in carrying 42934  
out its duties under this chapter. However, the fee for each 42935  
license and each renewal of a license shall not exceed one hundred 42936  
dollars, and the fee for each permit and each renewal of a permit 42937  
shall not exceed one hundred dollars for each ambulance, 42938  
rotorcraft air ambulance, fixed wing air ambulance, and 42939  
nontransport vehicle. The fee for each permit and each renewal of 42940  
a permit shall be twenty-five dollars for each ambulette for one 42941  
year after ~~the effective date of this amendment~~ March 9, 2004. 42942  
Thereafter, the board shall determine by rule the fee, which shall 42943  
not exceed fifty dollars, for each permit and each renewal of a 42944  
permit for each ambulette. For purposes of establishing fees, 42945  
"actual costs" includes the costs of salaries, expenses, 42946  
inspection equipment, supervision, and program administration. 42947

(B) The board shall deposit all fees and other moneys 42948  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 42949  
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 42950  
~~medical transportation trust~~ occupational licensing and regulatory 42951  
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 42952  
Code. All moneys from the fund shall be used solely for the 42953  
salaries and expenses of the board incurred in implementing and 42954  
enforcing this chapter. 42955

(C) The board, subject to the approval of the controlling 42956  
board, may establish fees in excess of the maximum amounts allowed 42957

under division (A) of this section, but such fees shall not exceed 42958  
those maximum amounts by more than fifty per cent. 42959

Sec. 4766.22. (A) Not later than forty-five days after the 42960  
end of each fiscal year, the Ohio medical transportation board 42961  
shall submit a report to the governor and general assembly that 42962  
provides all of the following information for that fiscal year: 42963

(1) The number of each of the following the board issued: 42964

(a) Basic life-support organization licenses; 42965

(b) Intermediate life-support organization licenses; 42966

(c) Advanced life-support organization licenses; 42967

(d) Mobile intensive care unit organization licenses; 42968

(e) Ambulette service licenses; 42969

(f) Air medical service organization licenses; 42970

(g) Ambulance permits; 42971

(h) Nontransport vehicle permits; 42972

(i) Ambulette vehicle permits; 42973

(j) Rotorcraft air ambulance permits; 42974

(k) Fixed wing air ambulance permits. 42975

(2) The amount of fees the board collected for issuing and 42976  
renewing each type of license and permit specified in division 42977  
(A)(1) of this section; 42978

(3) The number of inspections the board or a third party on 42979  
the board's behalf conducted in connection with each type of 42980  
license and permit specified in division (A)(1) of this section 42981  
and the amount of fees the board collected for the inspections; 42982

(4) The number of complaints that were submitted to the 42983  
board; 42984



<u>(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;</u>	42985
	42986
<u>(6) The number of adjudication hearings the board held and the outcomes of the adjudications;</u>	42987
	42988
<u>(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;</u>	42989
	42990
<u>(8) Other information the board determines reflects the board's operations.</u>	42991
	42992
<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>	42993
	42994
	42995
<b>Sec. 4775.08.</b> (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 more than fifty per cent.	42996
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The board shall adjust the fees as necessary in order to provide for the expenses associated with carrying out this chapter <del>without causing an excessive build up of surplus funds in the motor vehicle collision repair registration fund, which is hereby created in the state treasury.</del>	43006
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(B) If the board has notified or attempted to notify a motor vehicle collision repair operator that the operator is required to be registered under this chapter, and the operator fails to register, the initial fee for the registration of such an	43011
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unregistered operator for each business location at which the 43015  
operator conducts business as an operator, is the initial fee then 43016  
in effect plus an additional amount equal to the initial fee then 43017  
in effect for each calendar year that the operator is not 43018  
registered after the board has notified or attempted to notify the 43019  
operator. 43020

(C) The board shall deposit all fees and fines collected 43021  
under this chapter into the ~~motor vehicle collision repair~~ 43022  
~~registration fund. The board shall use the fund solely for the~~ 43023  
~~administration and enforcement of this chapter~~ occupational 43024  
licensing and regulatory fund created by section 4743.05 of the 43025  
Revised Code. 43026

**Sec. 4921.40.** In accordance with section 4921.04 of the 43027  
Revised Code, the public utilities commission may adopt rules: 43028

(A) Providing for binding estimates by motor transportation 43029  
companies engaged, for hire, in the business of transporting 43030  
household goods over a public highway in this state; 43031

(B) Providing for guaranteed-not-to-exceed estimates by such 43032  
motor transportation companies; 43033

(C) Requiring such motor transportation companies to include 43034  
their certificate number in all advertising, written estimates, 43035  
and contracts related to the transportation of household goods in 43036  
this state; 43037

(D) As are necessary and proper to carry out this chapter 43038  
with respect to such motor transportation companies; 43039

(E) Providing for the enforcement of the consumer protection 43040  
provisions of Title 49 of the United States Code related to the 43041  
delivery and transportation of household goods in interstate 43042  
commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty 43043  
imposed as a result of such enforcement shall be deposited into 43044

the state treasury to the credit of the general revenue fund. 43045

Sec. 4923.26. There is hereby created in the state treasury 43046  
the federal commercial vehicle transportation systems fund. The 43047  
fund shall consist of money received from the United States 43048  
department of transportation's commercial vehicle intelligent 43049  
transportation systems infrastructure deployment program. The 43050  
public utilities commission shall use the fund to deploy the Ohio 43051  
commercial vehicle information systems networks project and to 43052  
improve safety of motor carrier operations through electronic 43053  
exchange of data by means of on-highway electronic systems. 43054

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1410 43055  
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 43056  
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 43057

(B) The department of job and family services shall act as 43058  
the single state agency to administer federal payments for foster 43059  
care and adoption assistance made pursuant to Title IV-E. The 43060  
director of job and family services shall adopt rules to implement 43061  
this authority. Rules governing financial and administrative 43062  
requirements applicable to public children services agencies and 43063  
government entities that provide Title IV-E reimbursable placement 43064  
services to children shall be adopted in accordance with section 43065  
111.15 of the Revised Code, as if they were internal management 43066  
rules. Rules governing requirements applicable to private child 43067  
placing agencies and private noncustodial agencies and rules 43068  
establishing eligibility, program participation, and other 43069  
requirements concerning Title IV-E shall be adopted in accordance 43070  
with Chapter 119. of the Revised Code. A public children services 43071  
agency to which the department distributes Title IV-E funds shall 43072  
administer the funds in accordance with those rules. 43073

(C)(1) The county, on behalf of each child eligible for 43074

foster care maintenance payments under Title IV-E, shall make 43075  
payments to cover the cost of providing all of the following: 43076

(a) The child's food, clothing, shelter, daily supervision, 43077  
and school supplies; 43078

(b) The child's personal incidentals; 43079

(c) Reasonable travel to the child's home for visitation. 43080

(2) In addition to payments made under division (C)(1) of 43081  
this section, the county may, on behalf of each child eligible for 43082  
foster care maintenance payments under Title IV-E, make payments 43083  
to cover the cost of providing the following: 43084

(a) Liability insurance with respect to the child; 43085

(b) If the county is participating in the demonstration 43086  
project established under division (A) of section 5101.142 of the 43087  
Revised Code, services provided under the project. 43088

(3) With respect to a child who is in a child-care 43089  
institution, including any type of group home designed for the 43090  
care of children or any privately operated program consisting of 43091  
two or more certified foster homes operated by a common 43092  
administrative unit, the foster care maintenance payments made by 43093  
the county on behalf of the child shall include the reasonable 43094  
cost of the administration and operation of the institution, group 43095  
home, or program, as necessary to provide the items described in 43096  
divisions (C)(1) and (2) of this section. 43097

(D) To the extent that either foster care maintenance 43098  
payments under division (C) of this section or Title IV-E adoption 43099  
assistance payments for maintenance costs require the expenditure 43100  
of county funds, the board of county commissioners shall report 43101  
the nature and amount of each expenditure of county funds to the 43102  
department. 43103

(E) The department shall distribute to public children 43104

services agencies that incur and report ~~such~~ expenditures of the 43105  
type described in division (D) of this section federal financial 43106  
participation received for administrative and training costs 43107  
incurred in the operation of foster care maintenance and adoption 43108  
assistance programs. The department may withhold not more than 43109  
three per cent of the federal financial participation received. 43110  
The funds withheld may be used only to fund the following: 43111

(1) The Ohio child welfare training program established under 43112  
section 5103.30 of the Revised Code ~~and the~~ 43113

(2) The university partnership program for college and 43114  
university students majoring in social work who have committed to 43115  
work for a public children services agency upon graduation. ~~The~~ 43116

(3) Efforts supporting organizational excellence, including 43117  
voluntary activities to be accredited by a nationally recognized 43118  
accreditation organization. 43119

The funds withheld shall be in addition to any administration 43120  
and training cost for which the department is reimbursed through 43121  
its own cost allocation plan. 43122

(F) All federal financial participation funds received by a 43123  
county pursuant to this section shall be deposited into the 43124  
county's children services fund created pursuant to section 43125  
5101.144 of the Revised Code. 43126

(G) The department shall periodically publish and distribute 43127  
the maximum amounts that the department will reimburse public 43128  
children services agencies for making payments on behalf of 43129  
children eligible for foster care maintenance payments. 43130

(H) The department, by and through its director, is hereby 43131  
authorized to develop, participate in the development of, 43132  
negotiate, and enter into one or more interstate compacts on 43133  
behalf of this state with agencies of any other states, for the 43134  
provision of medical assistance and other social services to 43135

children in relation to whom all of the following apply:	43136
(1) They have special needs.	43137
(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.	43138 43139 43140
(3) They move into this state from another state or move out of this state to another state.	43141 43142
<b>Sec. 5101.16.</b> (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:	43143 43144
(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.	43145 43146 43147
(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.	43148 43149 43150
(3) "Food stamps" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	43151 43152 43153
(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	43154 43155 43156
(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	43157 43158
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	43159 43160
(7) "Public assistance expenditures" means expenditures for all of the following:	43161 43162
(a) Ohio works first;	43163

(b) County administration of Ohio works first;	43164
(c) Prevention, retention, and contingency;	43165
(d) County administration of prevention, retention, and contingency;	43166 43167
(e) Disability financial assistance;	43168
(f) Disability medical assistance;	43169
(g) County administration of disability financial assistance;	43170
(h) County administration of disability medical assistance;	43171
(i) County administration of food stamps;	43172
(j) County administration of medicaid.	43173
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	43174 43175
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter, <u>minus the amount calculated under division (C) of section 5111.017 of the Revised Code for the state fiscal year ending in the previous calendar year</u> :	43176 43177 43178 43179 43180 43181 43182 43183 43184
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and disability medical assistance and county administration of those programs during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	43185 43186 43187 43188 43189 43190
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's	43191 43192

total expenditures for county administration of food stamps and 43193  
medicaid during the state fiscal year ending in the previous 43194  
calendar year that the department determines are allowable, less 43195  
the amount of federal reimbursement credited to the county under 43196  
division (E) of this section for the state fiscal year ending in 43197  
the previous calendar year; 43198

(3) A percentage of the actual amount of the county share of 43199  
program and administrative expenditures during federal fiscal year 43200  
1994 for assistance and services, other than child care, provided 43201  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 43202  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 43203  
enactment of the "Personal Responsibility and Work Opportunity 43204  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 43205  
and family services shall determine the actual amount of the 43206  
county share from expenditure reports submitted to the United 43207  
States department of health and human services. The percentage 43208  
shall be the percentage established in rules adopted under 43209  
division (F) of this section. 43210

(C)(1) If a county's share of public assistance expenditures 43211  
determined under division (B) of this section for a state fiscal 43212  
year exceeds one hundred ten per cent of the county's share for 43213  
those expenditures for the immediately preceding state fiscal 43214  
year, the department of job and family services shall reduce the 43215  
county's share for expenditures under divisions (B)(1) and (2) of 43216  
this section so that the total of the county's share for 43217  
expenditures under division (B) of this section equals one hundred 43218  
ten per cent of the county's share of those expenditures for the 43219  
immediately preceding state fiscal year. 43220

(2) A county's share of public assistance expenditures 43221  
determined under division (B) of this section may be increased 43222  
pursuant to section 5101.163 of the Revised Code and a sanction 43223  
under section 5101.24 of the Revised Code. An increase made 43224



pursuant to section 5101.163 of the Revised Code may cause the 43225  
county's share to exceed the limit established by division (C)(1) 43226  
of this section. 43227

(D)(1) If the per capita tax duplicate of a county is less 43228  
than the per capita tax duplicate of the state as a whole and 43229  
division (D)(2) of this section does not apply to the county, the 43230  
percentage to be used for the purpose of division (B)(2) of this 43231  
section is the product of ten multiplied by a fraction of which 43232  
the numerator is the per capita tax duplicate of the county and 43233  
the denominator is the per capita tax duplicate of the state as a 43234  
whole. The department of job and family services shall compute the 43235  
per capita tax duplicate for the state and for each county by 43236  
dividing the tax duplicate for the most recent available year by 43237  
the current estimate of population prepared by the department of 43238  
development. 43239

(2) If the percentage of families in a county with an annual 43240  
income of less than three thousand dollars is greater than the 43241  
percentage of such families in the state and division (D)(1) of 43242  
this section does not apply to the county, the percentage to be 43243  
used for the purpose of division (B)(2) of this section is the 43244  
product of ten multiplied by a fraction of which the numerator is 43245  
the percentage of families in the state with an annual income of 43246  
less than three thousand dollars a year and the denominator is the 43247  
percentage of such families in the county. The department of job 43248  
and family services shall compute the percentage of families with 43249  
an annual income of less than three thousand dollars for the state 43250  
and for each county by multiplying the most recent estimate of 43251  
such families published by the department of development, by a 43252  
fraction, the numerator of which is the estimate of average annual 43253  
personal income published by the bureau of economic analysis of 43254  
the United States department of commerce for the year on which the 43255  
census estimate is based and the denominator of which is the most 43256

recent such estimate published by the bureau. 43257

(3) If the per capita tax duplicate of a county is less than 43258  
the per capita tax duplicate of the state as a whole and the 43259  
percentage of families in the county with an annual income of less 43260  
than three thousand dollars is greater than the percentage of such 43261  
families in the state, the percentage to be used for the purpose 43262  
of division (B)(2) of this section shall be determined as follows: 43263

(a) Multiply ten by the fraction determined under division 43264  
(D)(1) of this section; 43265

(b) Multiply the product determined under division (D)(3)(a) 43266  
of this section by the fraction determined under division (D)(2) 43267  
of this section. 43268

(4) The department of job and family services shall 43269  
determine, for each county, the percentage to be used for the 43270  
purpose of division (B)(2) of this section not later than the 43271  
first day of July of the year preceding the state fiscal year for 43272  
which the percentage is used. 43273

(E) The department of job and family services shall credit to 43274  
a county the amount of federal reimbursement the department 43275  
receives from the United States departments of agriculture and 43276  
health and human services for the county's expenditures for 43277  
administration of food stamps and medicaid that the department 43278  
determines are allowable administrative expenditures. 43279

(F)(1) The director of job and family services shall adopt 43280  
rules in accordance with section 111.15 of the Revised Code to 43281  
establish all of the following: 43282

(a) The method the department is to use to change a county's 43283  
share of public assistance expenditures determined under division 43284  
(B) of this section as provided in division (C) of this section; 43285

(b) The allocation methodology and formula the department 43286

will use to determine the amount of funds to credit to a county 43287  
under this section; 43288

(c) The method the department will use to change the payment 43289  
of the county share of public assistance expenditures from a 43290  
calendar-year basis to a state fiscal year basis; 43291

(d) The percentage to be used for the purpose of division 43292  
(B)(3) of this section, which shall, except as provided in section 43293  
5101.163 of the Revised Code, meet both of the following 43294  
requirements: 43295

(i) The percentage shall not be less than seventy-five per 43296  
cent nor more than eighty-two per cent; 43297

(ii) The percentage shall not exceed the percentage that the 43298  
state's qualified state expenditures is of the state's historic 43299  
state expenditures as those terms are defined in 42 U.S.C. 43300  
609(a)(7). 43301

(e) Other procedures and requirements necessary to implement 43302  
this section. 43303

(2) The director of job and family services may amend the 43304  
rule adopted under division (F)(1)(d) of this section to modify 43305  
the percentage on determination that the amount the general 43306  
assembly appropriates for Title IV-A programs makes the 43307  
modification necessary. The rule shall be adopted and amended as 43308  
if an internal management rule and in consultation with the 43309  
director of budget and management. 43310

**Sec. 5101.162.** Subject to available federal funds and 43311  
appropriations made by the general assembly, the department of job 43312  
and family services may, at its sole discretion, use available 43313  
federal funds to reimburse county expenditures for county 43314  
administration of food stamps or medicaid even though the county 43315  
expenditures meet or exceed the maximum allowable reimbursement 43316

amount established by rules adopted under section 5101.161 of the Revised Code ~~if the board of county commissioners has entered into a fiscal agreement with the director of job and family services under section 5101.21 of the Revised Code.~~ The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

**Sec. 5101.21.** (A) As used in ~~this section,~~ "county signer sections 5101.21 to 5101.212 of the Revised Code:

(1) "County grantee" means all of the following:

~~(1)(a)~~ A board of county commissioners;

~~(2)(b)~~ A county children services board appointed under section 5153.03 of the Revised Code ~~if required by division (B) of this section to enter into a fiscal agreement;~~

~~(3)(c)~~ A county elected official that is a child support enforcement agency ~~if required by division (B) of this section to enter into a fiscal agreement.~~

(2) "County subgrant" means a grant that a county grantee awards to another entity.

(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants.

(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services and that the department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal

financial assistance. "Grant" does not mean either of the 43347  
following: 43348

(a) Technical assistance that provides services instead of 43349  
money; 43350

(b) Other assistance provided in the form of revenue sharing, 43351  
loans, loan guarantees, interest subsidies, or insurance. 43352

(6) "Grant agreement" means an agreement between the 43353  
department of job and family services and a county grantee under 43354  
which the department awards the county grantee one or more grants. 43355

(B) The Effective July 1, 2008, the director of job and 43356  
family services may award grants to counties only through grant 43357  
agreements entered into under this section. 43358

(C) The director shall enter into one or more written fiscal 43359  
grant agreements with boards of the county commissioners under 43360  
which financial assistance is awarded for family services duties 43361  
included in the agreements grantees of each county. Boards of 43362  
county commissioners shall select which family services duties to 43363  
include in a fiscal agreement. If a board of county commissioners 43364  
elects to include family services duties of a public children 43365  
services agency and a county children services board appointed 43366  
under section 5153.03 of the Revised Code serves as the county's 43367  
public children services agency, the board of county commissioners 43368  
and county children services board shall jointly enter into the 43369  
fiscal agreement with the director. If a board of county 43370  
commissioners elects to include family services duties of a child 43371  
support enforcement agency and the entity designated under former 43372  
section 2301.35 of the Revised Code prior to October 1, 1997, or 43373  
designated under section 307.981 of the Revised Code as the 43374  
county's child support enforcement agency is an elected official 43375  
of the county, the board of county commissioners and county 43376  
elected official If a county has multiple county grantees, the 43377

director shall jointly enter into the fiscal grant agreement with 43378  
the director all of the county grantees. The initial grant 43379  
agreement shall be entered into not later than January 31, 2008, 43380  
and shall be in effect for fiscal year 2009. Except as provided in 43381  
rules adopted under this section, subsequent grant agreements 43382  
shall be entered into before the first day of each successive 43383  
fiscal biennial period and shall be in effect for that fiscal 43384  
biennial period or, in the case of a grant agreement entered into 43385  
after the first day of a fiscal biennial period and except as 43386  
provided by section 5101.211 of the Revised Code, for the 43387  
remainder of the fiscal biennial period. A fiscal grant agreement 43388  
shall do all of the following: 43389

(1) Comply with all of the conditions, requirements, and 43390  
restrictions applicable to the family services duties for which 43391  
the grants included in the agreement are awarded, including the 43392  
conditions, requirements, and restrictions established by the 43393  
department, federal or state law, state plans for receipt of 43394  
federal financial participation, agreements between the department 43395  
and a federal agency, and executive orders issued by the governor; 43396

(2) Establish terms and conditions governing the 43397  
accountability for and use of the grants included in the grant 43398  
agreement; 43399

(3) Specify the both of the following: 43400

(a) The family services duties included in the agreement and 43401  
the for which the grants included in the agreement are awarded; 43402

(b) The private and government entities designated under 43403  
section 307.981 of the Revised Code to serve as the county family 43404  
services agencies performing the family services duties; 43405

~~(2)~~(4) Provide for the department of job and family services 43406  
to award financial assistance for the family services duties 43407  
grants included in the agreement in accordance with a methodology 43408

for determining the amount of the award established by rules 43409  
adopted under ~~division (D)~~ of this section; 43410

~~(3)(5)~~ Specify the form of the ~~award of financial assistance~~ 43411  
grants which may be ~~an allocation, a~~ cash draw, reimbursement, 43412  
property, ~~advance, working capital advance, or, to the extent~~ 43413  
~~authorized by an appropriation made by the general assembly and to~~ 43414  
~~the extent practicable and not in conflict with a federal or state~~ 43415  
~~law, a consolidated funding allocation for two or more family~~ 43416  
~~services duties included in the agreement~~ other forms specified in 43417  
rules adopted under this section; 43418

~~(4)(6)~~ Provide that the ~~award of financial assistance is~~ 43419  
grants are subject to the availability of federal funds and 43420  
appropriations made by the general assembly; 43421

~~(5)(7)~~ Specify annual financial, administrative, or other 43422  
incentive awards, if any, to be provided in accordance with 43423  
section 5101.23 of the Revised Code; 43424

~~(6)(8)~~ Include the assurance of each county ~~signer~~ grantee 43425  
that the county ~~signer~~ grantee will do all of the following: 43426

(a) Ensure that the ~~financial assistance awarded under~~ grants 43427  
included in the agreement ~~is~~ are used, and the family services 43428  
duties ~~included in~~ for which the agreement grants are awarded are 43429  
performed, in accordance with conditions, requirements for, and 43430  
restrictions applicable to the duties established by the 43431  
department, a federal or state law, ~~or any of the following that~~ 43432  
~~concern the family services duties included in the fiscal~~ 43433  
~~agreement and are published under section 5101.212 of the Revised~~ 43434  
Code: state plans for receipt of federal financial participation, 43435  
~~grant~~ agreements between the department and a federal agency, and 43436  
executive orders issued by the governor; 43437

(b) ~~Ensure that the board and county family services agencies~~ 43438  
~~utilize~~ Utilize a financial management system and other 43439

accountability mechanisms for the ~~financial assistance grants~~ 43440  
awarded under the agreement that meet requirements the department 43441  
establishes; 43442

(c) ~~Require the county family services agencies to do both~~ Do 43443  
all of the following with regard to a county subgrant: 43444

(i) Award the subgrant through a written county subgrant 43445  
agreement that requires the entity awarded the county subgrant to 43446  
comply with all conditions, requirements, and restrictions 43447  
applicable to the county grantee regarding the grant that the 43448  
county grantee subgrants to the entity, including the conditions, 43449  
requirements, and restrictions of this section; 43450

(ii) ~~Monitor all private and government entities~~ the entity 43451  
that ~~receive a payment from financial assistance~~ is awarded under 43452  
the ~~agreement~~ subgrant to ensure that ~~each~~ the entity uses the 43453  
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 43454  
and restrictions applicable to the family services duties included 43455  
in for which the agreement subgrant is awarded; 43456

~~(ii)(iii)~~ (iii) Take action to recover ~~payments~~ subgrants that are 43457  
not used in accordance with the conditions, requirements ~~for,~~ or 43458  
restrictions applicable to the family services duties included in 43459  
for which the agreement subgrant is awarded. 43460

(d) ~~Require county family services agencies to promptly~~ 43461  
Promptly reimburse the department the amount that represents the 43462  
amount ~~an agency~~ the county grantee is responsible for, pursuant 43463  
to action the department takes under division (C) of section 43464  
5101.24 of the Revised Code, of funds the department pays to any 43465  
entity because of an adverse audit finding, adverse quality 43466  
control finding, final disallowance of federal financial 43467  
participation, or other sanction or penalty; 43468

(e) ~~Require county family services agencies to take~~ Take 43469  
prompt corrective action, including paying amounts resulting from 43470



an adverse finding, sanction, or penalty, if the department, 43471  
auditor of state, federal agency, or other entity authorized by 43472  
federal or state law to determine compliance with the conditions, 43473  
requirements ~~for,~~ and restrictions applicable to a family services 43474  
duty for which a grant included in the agreement is awarded 43475  
determines compliance has not been achieved; 43476

(f) Ensure that any matching funds, regardless of the source, 43477  
that the county grantee manages are clearly identified and used in 43478  
accordance with federal and state laws and the agreement. 43479

~~(7)~~(9) Provide for the department taking action pursuant to 43480  
division (C) of section 5101.24 of the Revised Code if authorized 43481  
by division (B)(1), (2), (3), or (4) of that section; 43482

~~(8)~~(10) Provide for the department to do all of the 43483  
following: 43484

(a) Provide the county grantee timely and clear written 43485  
explanations, and consistent and accurate interpretations, of the 43486  
conditions, requirements, and restrictions applicable to the 43487  
family services duties for which the grants included in the 43488  
agreement are awarded; 43489

(b) Provide the personnel of the county grantee and county 43490  
family services agencies, as appropriate, timely and accessible 43491  
training regarding changes to the conditions, requirements, and 43492  
restrictions applicable to the family services duties for which 43493  
the grants included in the agreement are awarded; 43494

(c) Provide a county family services agency technical 43495  
assistance necessary for the county family services agency to be 43496  
able to implement a family services duty for which a grant 43497  
included in the agreement is awarded efficiently and in compliance 43498  
with the conditions, requirements, and restrictions applicable to 43499  
the family services duty; 43500

(d) Monitor county family services agencies' implementation 43501

of the family services duties for which the grants included in the 43502  
agreement are awarded during the period for which the grant is 43503  
made to identify problems that can be corrected before the 43504  
problems are identified in an audit; 43505

(e) Assist the county grantee to resolve an adverse audit 43506  
finding by the federal government, auditor of state, or other 43507  
entity by providing the county grantee copies of the department's 43508  
directives, assistance in documenting the department's efforts to 43509  
work with the county grantee or a county family services agency to 43510  
correct problems, and other assistance. 43511

(11) Provide for timely audits required by federal and state 43512  
law and require prompt release of audit findings and prompt action 43513  
to correct problems identified in an audit; 43514

~~(9) Comply with all of the requirements for the family~~ 43515  
~~services duties that are included in the agreement and have been~~ 43516  
~~established by the department, federal or state law, or any of the~~ 43517  
~~following that concern the family services duties included in the~~ 43518  
~~fiscal agreement and are published under section 5101.212 of the~~ 43519  
~~Revised Code: state plans for receipt of federal financial~~ 43520  
~~participation, grant agreements between the department and a~~ 43521  
~~federal agency, and executive orders issued by the governor;~~ 43522

~~(10)~~(12) Provide for dispute resolution administrative review 43523  
procedures in accordance with section 5101.24 of the Revised Code; 43524

~~(11)~~(13) Establish the method of amending or terminating the 43525  
agreement and an expedited process for correcting terms or 43526  
conditions of the agreement that the director and each county 43527  
signer grantee agree are erroneous; 43528

~~(12) Except as provided in rules adopted under division (D)~~ 43529  
~~of this section, begin on the first day of July of an odd numbered~~ 43530  
~~year and end on the last day of June of the next odd numbered~~ 43531  
~~year.~~ 43532

~~(C)~~(D) A grant agreement does not have to be amended for a county grantee to be required to comply with a new or amended condition, requirement, or restriction for a family services duty established by federal or state law, state plan for receipt of federal financial participation, agreement between the department and a federal agency, or executive order issued by the governor. 43533  
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(E) The department shall make payments authorized by a ~~fiscal grant~~ agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties for which a grant included in the agreement is awarded, including funds for personal services and maintenance. 43539  
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~~(D)~~(F)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing ~~fiscal grant~~ agreements. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of ~~financial assistance to be awarded under the grants included in~~ the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of ~~July of an odd-numbered year a~~ fiscal biennial period. The rules may do any or all of the following: 43544  
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(a) Govern the award of grants included in grant agreements, including the establishment of allocations, and restrictions on, the form of the grants and the distribution of the grants; 43556  
43557  
43558

(b) Specify allowable uses of ~~financial assistance awarded under the grants included in~~ the agreements; 43559  
43560

(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of ~~financial assistance awarded under~~ 43561  
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43563

the grants included in the agreements and determine compliance 43564  
with conditions, requirements, and restrictions established by the 43565  
department, a federal or state law, ~~or any of the following that~~ 43566  
~~concern the family services duties included in the agreements and~~ 43567  
~~are published under section 5101.212 of the Revised Code:~~ state 43568  
plans for receipt of federal financial participation, ~~grant~~ 43569  
agreements between the department and a federal ~~entity~~ agency, and 43570  
executive orders issued by the governor. 43571

(2) A requirement of a ~~fiscal~~ grant agreement established by 43572  
a rule adopted under this division is applicable to a ~~fiscal~~ grant 43573  
agreement without having to be restated in the ~~fiscal~~ grant 43574  
agreement. A requirement established by a grant agreement is 43575  
applicable to the grant agreement without having to be restated in 43576  
a rule. 43577

**Sec. 5101.211.** ~~(A) Except as provided in division (B) of this~~ 43578  
~~section, the~~ The director of job and family services may provide 43579  
for a ~~fiscal~~ grant agreement entered into under section 5101.21 of 43580  
the Revised Code to have a retroactive effective date of the first 43581  
day of July of an odd-numbered year if both of the following are 43582  
the case: 43583

~~(1)(A)~~ (A) The agreement is entered into after that date and 43584  
before the last day of that July. 43585

~~(2)(B)~~ (B) The board of county commissioners requests the 43586  
retroactive effective date and provides the director good cause 43587  
satisfactory to the director for the reason the agreement was not 43588  
entered into on or before the first day of that July. 43589

~~(B) The director may provide for a fiscal agreement to have a~~ 43590  
~~retroactive effective date of July 1, 2003, if both of the~~ 43591  
~~following are the case:~~ 43592

~~(1) The agreement is entered into after July 1, 2003, and~~ 43593

~~before August 29, 2003.~~ 43594

~~(2) The board of county commissioners requests the retroactive effective date.~~ 43595  
43596

**Sec. 5101.212.** The department of job and family services 43597  
shall publish in a manner accessible to the public all of the 43598  
following that concern family services duties for which grants 43599  
included in ~~fiscal grant~~ agreements entered into under section 43600  
5101.21 of the Revised Code are awarded: state plans for receipt 43601  
of federal financial participation, ~~grant~~ agreements between the 43602  
department and a federal agency, and executive orders issued by 43603  
the governor. The department may publish the materials 43604  
electronically or otherwise. 43605

**Sec. 5101.213.** (A) ~~Except as provided in section 5101.211 of~~ 43606  
~~the Revised Code, if a fiscal agreement under section 5101.21 of~~ 43607  
~~the Revised Code between the director of job and family services~~ 43608  
~~and a board of county commissioners is not in effect~~ Until July 1, 43609  
2008, all of the following apply: 43610

(1) ~~The~~ For each board of county commissioners, the 43611  
department of job and family services shall award to the county 43612  
the board serves financial assistance for family services duties 43613  
in accordance with a methodology for determining the amount of the 43614  
award established by rules adopted under division (B) of this 43615  
section. 43616

(2) The financial assistance may be provided in the form of 43617  
allocations, cash draws, reimbursements, and property but may not 43618  
be made in the form of a consolidated funding allocation. 43619

(3) The award of the financial assistance is subject to the 43620  
availability of federal funds and appropriations made by the 43621  
general assembly. 43622

(4) The county family services agencies performing the family 43623

services duties for which the financial assistance is awarded 43624  
shall do all of the following: 43625

(a) Use the financial assistance, and perform the family 43626  
services duties, in accordance with requirements for the duties 43627  
established by the department, a federal or state law, or any of 43628  
the following that concern the duties: state plans for receipt of 43629  
federal financial participation, grant agreements between the 43630  
department and a federal agency, and executive orders issued by 43631  
the governor; 43632

(b) Utilize a financial management system and other 43633  
accountability mechanisms for the financial assistance that meet 43634  
requirements the department establishes; 43635

(c) Monitor all private and government entities that receive 43636  
a payment from the financial assistance to ensure that each entity 43637  
uses the payment in accordance with requirements for the family 43638  
services duties and take action to recover payments that are not 43639  
used in accordance with the requirements for the family services 43640  
duties; 43641

(d) Promptly reimburse the department the amount that 43642  
represents the amount an agency is responsible for, pursuant to 43643  
action the department takes under division (C) of section 5101.24 43644  
of the Revised Code, of funds the department pays to any entity 43645  
because of an adverse audit finding, adverse quality control 43646  
finding, final disallowance of federal financial participation, or 43647  
other sanction or penalty; 43648

(e) Take prompt corrective action, including paying amounts 43649  
resulting from an adverse finding, sanction, or penalty, if the 43650  
department, auditor of state, federal agency, or other entity 43651  
authorized by federal or state law to determine compliance with 43652  
requirements for a family services duty determines compliance has 43653  
not been achieved. 43654

(B) The director shall adopt rules in accordance with section 43655  
111.15 of the Revised Code as necessary to implement this section. 43656  
The director shall adopt the rules as if they were internal 43657  
management rules. Before adopting the rules, the director shall 43658  
give the public an opportunity to review and comment on the 43659  
proposed rules. The rules shall establish methodologies to be used 43660  
to determine the amount of financial assistance to be awarded and 43661  
may do any or all of the following: 43662

(1) Govern the establishment of funding allocations; 43663

(2) Specify allowable uses of financial assistance the 43664  
department awards under this section; 43665

(3) Establish reporting, cash management, audit, and other 43666  
requirements the director determines are necessary to provide 43667  
accountability for the use of the financial assistance and 43668  
determine compliance with requirements established by the 43669  
department, a federal or state law, or any of the following that 43670  
concern the family services duties for which the financial 43671  
assistance is awarded: state plans for receipt of federal 43672  
financial participation, grant agreements between the department 43673  
and a federal entity, and executive orders issued by the governor. 43674

**Sec. 5101.24.** (A) As used in this section, "responsible 43675  
entity county grantee" means ~~a board of county commissioners or a~~ 43676  
~~county family services agency,~~ whichever county grantee, as 43677  
defined in section 5101.21 of the Revised Code, the director of 43678  
job and family services determines is appropriate to take action 43679  
against under division (C) of this section. 43680

(B) Regardless of whether a family services duty is performed 43681  
by a county family services agency, private or government entity 43682  
pursuant to a contract entered into under section 307.982 of the 43683  
Revised Code or division (C)(2) of section 5153.16 of the Revised 43684  
Code, or private or government provider of a family service duty, 43685

the department of job and family services may take action under 43686  
division (C) of this section against the responsible ~~entity~~ county 43687  
grantee if the department determines any of the following are the 43688  
case: 43689

(1) A requirement of a ~~fiscal~~ grant agreement entered into 43690  
under section 5101.21 of the Revised Code that includes a grant 43691  
for the family services duty, including a requirement for ~~fiscal~~ 43692  
grant agreements established by rules adopted under that section, 43693  
is not complied with; 43694

(2) A county family services agency fails to develop, submit 43695  
to the department, or comply with a corrective action plan under 43696  
division (B) of section 5101.221 of the Revised Code, or the 43697  
department disapproves the agency's corrective action plan 43698  
developed under division (B) of section 5101.221 of the Revised 43699  
Code; 43700

(3) A requirement for the family services duty established by 43701  
the department or any of the following is not complied with: a 43702  
federal or state law, state plan for receipt of federal financial 43703  
participation, grant agreement between the department and a 43704  
federal agency, or executive order issued by the governor; 43705

(4) The responsible ~~entity~~ county grantee is solely or 43706  
partially responsible, as determined by the director of job and 43707  
family services, for an adverse audit finding, adverse quality 43708  
control finding, final disallowance of federal financial 43709  
participation, or other sanction or penalty regarding the family 43710  
services duty. 43711

(C) The department may take one or more of the following 43712  
actions against the responsible ~~entity~~ county grantee when 43713  
authorized by division (B)(1), (2), (3), or (4) of this section: 43714

(1) Require the responsible ~~entity~~ county grantee to comply 43715  
with a corrective action plan pursuant to a time schedule 43716



specified by the department. The corrective action plan shall be 43717  
established or approved by the department and shall not require a 43718  
county ~~family services agency~~ grantee to commit resources to the 43719  
plan. 43720

(2) Require the responsible ~~entity~~ county grantee to comply 43721  
with a corrective action plan pursuant to a time schedule 43722  
specified by the department. The corrective action plan shall be 43723  
established or approved by the department and require a county 43724  
~~family services agency~~ grantee to commit to the plan existing 43725  
resources identified by the agency. 43726

(3) Require the responsible ~~entity~~ county grantee to do one 43727  
of the following: 43728

(a) Share with the department a final disallowance of federal 43729  
financial participation or other sanction or penalty; 43730

(b) Reimburse the department the final amount the department 43731  
pays to the federal government or another entity that represents 43732  
the amount the responsible ~~entity~~ county grantee is responsible 43733  
for of an adverse audit finding, adverse quality control finding, 43734  
final disallowance of federal financial participation, or other 43735  
sanction or penalty issued by the federal government, auditor of 43736  
state, or other entity; 43737

(c) Pay the federal government or another entity the final 43738  
amount that represents the amount the responsible ~~entity~~ county 43739  
grantee is responsible for of an adverse audit finding, adverse 43740  
quality control finding, final disallowance of federal financial 43741  
participation, or other sanction or penalty issued by the federal 43742  
government, auditor of state, or other entity; 43743

(d) Pay the department the final amount that represents the 43744  
amount the responsible ~~entity~~ county grantee is responsible for of 43745  
an adverse audit finding or adverse quality control finding. 43746

(4) Impose an administrative sanction issued by the 43747

department against the responsible ~~entity~~ county grantee. A 43748  
sanction may be increased if the department has previously taken 43749  
action against the responsible entity under this division. 43750

(5) Perform, or contract with a government or private entity 43751  
for the entity to perform, the family services duty until the 43752  
department is satisfied that the responsible ~~entity~~ county grantee 43753  
ensures that the duty will be performed satisfactorily. If the 43754  
department performs or contracts with an entity to perform a 43755  
family services duty under division (C)(5) of this section, the 43756  
department may do either or both of the following: 43757

(a) Spend funds in the county treasury appropriated by the 43758  
board of county commissioners for the duty; 43759

(b) Withhold funds allocated or reimbursements due to the 43760  
responsible ~~entity~~ county grantee for the duty and spend the funds 43761  
for the duty. 43762

(6) Request that the attorney general bring mandamus 43763  
proceedings to compel the responsible ~~entity~~ county grantee to 43764  
take or cease the action that causes division (B)(1), (2), (3), or 43765  
(4) of this section to apply. The attorney general shall bring 43766  
mandamus proceedings in the Franklin county court of appeals at 43767  
the department's request. 43768

(7) If the department takes action under this division 43769  
because of division (B)(3) of this section, temporarily withhold 43770  
funds allocated or reimbursement due to the responsible ~~entity~~ 43771  
county grantee until the department determines that the 43772  
responsible ~~entity~~ county grantee is in compliance with the 43773  
requirement. The department shall release the funds when the 43774  
department determines that compliance has been achieved. 43775

(D) If the department proposes to take action against the 43776  
responsible ~~entity~~ county grantee under division (C) of this 43777  
section, the department shall notify the responsible ~~entity~~ county 43778

grantee, director of the appropriate county family services 43779  
agency, and county auditor. The notice shall be in writing and 43780  
specify the action the department proposes to take. The department 43781  
shall send the notice by regular United States mail. 43782

Except as provided by division (E) of this section, the 43783  
responsible ~~entity~~ county grantee may request an administrative 43784  
review of a proposed action in accordance with administrative 43785  
review procedures the department shall establish. The 43786  
administrative review procedures shall comply with all of the 43787  
following: 43788

(1) A request for an administrative review shall state 43789  
specifically all of the following: 43790

(a) The proposed action specified in the notice from the 43791  
department for which the review is requested; 43792

(b) The reason why the responsible ~~entity~~ county grantee 43793  
believes the proposed action is inappropriate; 43794

(c) All facts and legal arguments that the responsible ~~entity~~ 43795  
county grantee wants the department to consider; 43796

(d) The name of the person who will serve as the responsible 43797  
~~entity's~~ county grantee's representative in the review. 43798

(2) If the department's notice specifies more than one 43799  
proposed action and the responsible ~~entity~~ county grantee does not 43800  
specify all of the proposed actions in its request pursuant to 43801  
division (D)(1)(a) of this section, the proposed actions not 43802  
specified in the request shall not be subject to administrative 43803  
review and the parts of the notice regarding those proposed 43804  
actions shall be final and binding on the responsible ~~entity~~ 43805  
county grantee. 43806

(3) In the case of a proposed action under division (C)(1) of 43807  
this section, the responsible ~~entity~~ county grantee shall have 43808

fifteen calendar days after the department mails the notice to the responsible entity county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity county grantee an informal opportunity to resolve any dispute during that fifteen-day or extended period.

(4) In the case of a proposed action under division (C)(2), (3), (4), (5), or (7) of this section, the responsible entity county grantee shall have thirty calendar days after the department mails the notice to the responsible entity county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(2), (3), (4), (5), or (7) of this section for thirty calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity county grantee an informal opportunity to resolve any dispute during that thirty-day or extended period.

(5) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services and representative of the responsible entity county grantee may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.

(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity county grantee may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.

(7) If the responsible entity county grantee fails to request an administrative review within the required time, the responsible entity county grantee loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity county grantee.

(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is the subject of the dispute and serves a different county than the county served by the responsible entity county grantee. No individual involved in the department's proposal to take action against the responsible entity county grantee may serve on the review panel. The review panel shall review the responsible entity's county grantee's request. The review panel may require that the department or responsible entity county grantee submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(3) of this section shall be limited solely to the issue of the amount the responsible entity county grantee shall share with the department, reimburse

the department, or pay to the federal government, department, or 43873  
other entity under division (C)(3) of this section. The review 43874  
panel is not required to make a stenographic record of its hearing 43875  
or other proceedings. 43876

(9) After finishing an administrative review, an 43877  
administrative review panel appointed under division (D)(8) of 43878  
this section shall submit a written report to the director setting 43879  
forth its findings of fact, conclusions of law, and 43880  
recommendations for action. The director may approve, modify, or 43881  
disapprove the recommendations. If the director modifies or 43882  
disapproves the recommendations, the director shall state the 43883  
reasons for the modification or disapproval and the actions to be 43884  
taken against the responsible ~~entity~~ county grantee. 43885

(10) The director's approval, modification, or disapproval 43886  
under division (D)(9) of this section shall be final and binding 43887  
on the responsible ~~entity~~ county grantee and shall not be subject 43888  
to further departmental review. 43889

(E) The responsible ~~entity~~ county grantee is not entitled to 43890  
an administrative review under division (D) of this section for 43891  
any of the following: 43892

(1) An action taken under division (C)(6) of this section; 43893

(2) An action taken under section 5101.242 of the Revised 43894  
Code; 43895

(3) An action taken under division (C)(3) of this section if 43896  
the federal government, auditor of state, or entity other than the 43897  
department has identified the responsible county ~~family services~~ 43898  
~~agency~~ grantee as being solely or partially responsible for an 43899  
adverse audit finding, adverse quality control finding, final 43900  
disallowance of federal financial participation, or other sanction 43901  
or penalty; 43902

(4) An adjustment to an allocation, cash draw, advance, or 43903

reimbursement to a responsible county ~~family services agency~~ 43904  
grantee that the department determines necessary for budgetary 43905  
reasons; 43906

(5) Withholding of a cash draw or reimbursement due to 43907  
noncompliance with a reporting requirement established in rules 43908  
adopted under section 5101.243 of the Revised Code. 43909

(F) This section does not apply to other actions the 43910  
department takes against the responsible ~~entity~~ county grantee 43911  
pursuant to authority granted by another state law unless the 43912  
other state law requires the department to take the action in 43913  
accordance with this section. 43914

(G) The director of job and family services may adopt rules 43915  
in accordance with Chapter 119. of the Revised Code as necessary 43916  
to implement this section. 43917

**Sec. 5101.242.** The department of job and family services may 43918  
certify a claim to the attorney general under section 131.02 of 43919  
the Revised Code for the attorney general to take action under 43920  
that section against a responsible county grantee or responsible 43921  
entity to recover any funds that the department determines the 43922  
responsible county grantee or responsible entity owes the 43923  
department for actions taken under division (C)(2), (3), (4), or 43924  
(5) of section 5101.24 or 5101.241 of the Revised Code. 43925

**Sec. 5101.244.** If a ~~county family services agency submits an~~ 43926  
~~expenditure report to~~ the department of job and family services 43927  
~~and the department subsequently~~ determines that a grant awarded to 43928  
a county grantee in a grant agreement entered into under section 43929  
5101.21 of the Revised Code, an allocation, advance, or 43930  
reimbursement the department makes to ~~the~~ a county family services 43931  
agency, or a cash draw ~~the~~ a county family services agency makes, 43932  
~~for an expenditure~~ exceeds the allowable amount for the 43933

expenditure grant, allocation, advance, reimbursement, or cash 43934  
draw, the department may adjust, offset, withhold, or reduce an 43935  
allocation, cash draw, advance, reimbursement, or other financial 43936  
assistance to the county grantee or county family services agency 43937  
as necessary to recover the amount of the excess grant, 43938  
allocation, advance, reimbursement, or cash draw. The department 43939  
is not required to make the adjustment, offset, withholding, or 43940  
reduction in accordance with section 5101.24 of the Revised Code. 43941

The director of job and family services may adopt rules under 43942  
section 111.15 of the Revised Code as necessary to implement this 43943  
section. The director shall adopt the rules as if they were 43944  
internal management rules. 43945

**Sec. 5101.27.** (A) Except as permitted by this section, 43946  
section 5101.272, 5101.28, or 5101.29 of the Revised Code, or the 43947  
rules adopted under division (A) of section 5101.30 of the Revised 43948  
Code, or required by federal law, no person or government entity 43949  
shall solicit, disclose, receive, use, or knowingly permit, or 43950  
participate in the use of any information regarding a public 43951  
assistance recipient for any purpose not directly connected with 43952  
the administration of a public assistance program. 43953

(B) To the extent permitted by federal law, the department of 43954  
job and family services and county agencies shall do all of the 43955  
following: 43956

(1) Release information regarding a public assistance 43957  
recipient for purposes directly connected to the administration of 43958  
the program to a government entity responsible for administering 43959  
that public assistance program; 43960

(2) Provide information regarding a public assistance 43961  
recipient to a law enforcement agency for the purpose of any 43962  
investigation, prosecution, or criminal or civil proceeding 43963  
relating to the administration of that public assistance program; 43964



(3) Provide, for purposes directly connected to the 43965  
administration of a program that assists needy individuals with 43966  
the costs of public utility services, information regarding a 43967  
recipient of financial assistance provided under a program 43968  
administered by the department or a county agency pursuant to 43969  
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 43970  
5115.07 of the Revised Code to an entity administering the public 43971  
utility services program. 43972

(C) To the extent permitted by federal law and section 43973  
1347.08 of the Revised Code, the department and county agencies 43974  
shall provide access to information regarding a public assistance 43975  
recipient to all of the following: 43976

(1) The recipient; 43977

(2) The authorized representative; 43978

(3) The legal guardian of the recipient; 43979

(4) The attorney of the recipient, if the attorney has 43980  
written authorization that complies with section 5101.271 of the 43981  
Revised Code from the recipient. 43982

(D) To the extent permitted by federal law and subject to 43983  
division (E) of this section, the department and county agencies 43984  
may do both of the following: 43985

(1) Release information about a public assistance recipient 43986  
if the recipient gives voluntary, written authorization that 43987  
complies with section 5101.271 of the Revised Code; 43988

(2) Release information regarding a public assistance 43989  
recipient to a state, federal, or federally assisted program that 43990  
provides cash or in-kind assistance or services directly to 43991  
individuals based on need or for the purpose of protecting 43992  
children to a government entity responsible for administering a 43993  
children's protective services program. 43994

(E) Except when the release is required by division (B), (C), 43995  
or (D)(2) of this section, the department or county agency shall 43996  
release the information only in accordance with the authorization. 43997  
The department or county agency shall provide, at no cost, a copy 43998  
of each written authorization to the individual who signed it. 43999

(F) The department or county agency may release information 44000  
under division (D) of this section concerning the receipt of 44001  
medical assistance provided under a public assistance program only 44002  
if all of the following conditions are met: 44003

(1) The release of information is for purposes directly 44004  
connected to the administration of or provision of medical 44005  
assistance provided under a public assistance program; 44006

(2) The information is released to persons or government 44007  
entities that are subject to standards of confidentiality and 44008  
safeguarding information substantially comparable to those 44009  
established for medical assistance provided under a public 44010  
assistance program; 44011

(3) The department or county agency has obtained an 44012  
authorization consistent with section 5101.271 of the Revised 44013  
Code. 44014

(G) Information concerning the receipt of medical assistance 44015  
provided under a public assistance program may be released only if 44016  
the release complies with this section and rules adopted by the 44017  
department pursuant to section 5101.30 of the Revised Code or, if 44018  
more restrictive, the Health Insurance Portability and 44019  
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 44020  
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 44021  
the United States department of health and human services to 44022  
implement the act. 44023

(H) The department of job and family services may adopt rules 44024  
defining "authorized representative" for purposes of division 44025

(C)(2) of this section. 44026

Sec. 5101.272. Not later than August 31, 2007, the director 44027  
of job and family services shall submit a report to the general 44028  
assembly on the costs and potential three-year cost savings 44029  
associated with participation in the federally-administered public 44030  
assistance reporting information system. If cost savings are 44031  
indicated in the report, not later than October 1, 2007, the 44032  
department of job and family services shall enter into any 44033  
necessary agreements with the United States department of health 44034  
and human services and neighboring states to join and participate 44035  
as an active member in the public assistance reporting information 44036  
system. The department may disclose information regarding a public 44037  
assistance recipient to the extent necessary to participate as an 44038  
active member in the public assistance reporting information 44039  
system. 44040

Sec. 5101.51. In accordance with federal law governing the 44041  
children's health insurance program, the director of job and 44042  
family services may submit a state child health plan to the United 44043  
States secretary of health and human services to provide, except 44044  
as provided in section 5101.516 of the Revised Code, health 44045  
assistance to uninsured individuals under nineteen years of age 44046  
with family incomes above one hundred fifty per cent of the 44047  
federal poverty guidelines but not exceeding ~~two~~ three hundred per 44048  
cent of the federal poverty guidelines. If the director submits 44049  
the plan, the director shall include ~~both~~ all of the following in 44050  
the plan and any subsequent amendments to the plan: 44051

(A) The For individuals with family incomes above one hundred 44052  
fifty per cent but not exceeding two hundred per cent of the 44053  
federal poverty guidelines, the health assistance will not begin 44054  
before January 1, 2000. 44055

(B) For individuals with family incomes above two hundred per cent but not exceeding three hundred per cent of the federal poverty guidelines, the health assistance will not begin before January 1, 2008. 44056  
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(C) The health assistance will be available only while federal financial participation is available for it. 44060  
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Sec. 5101.541. The food stamp program fund is hereby created in the state treasury. The fund shall consist of federal reimbursement for food stamp program administrative expenses and other food stamp program expenses. The department of job and family services shall use the money credited to the fund to pay for food stamp program administrative expenses and other food stamp program expenses. 44062  
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Sec. 5101.571. As used in sections 5101.571 to ~~5101.59~~ 5101.591 of the Revised Code: 44069  
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(A) "Information" means all of the following: 44071

(1) An individual's name, address, date of birth, and social security number; 44072  
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(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 44074  
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(3) Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code. 44077  
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(B) "Medical assistance" means medical items or services provided under any of the following: 44080  
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(1) Medicaid, as defined in section 5111.01 of the Revised Code; 44082  
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(2) The children's health insurance program part I and part 44084

II established under sections 5101.50 to 5101.5110 of the Revised Code; 44085  
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(3) The disability medical assistance program established under Chapter 5115. of the Revised Code. 44087  
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(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 44089  
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~~(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. 44092  
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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: 44095  
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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; 44106  
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(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 44108  
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(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 44111  
44112

(d) A group health plan as defined in 29 U.S.C. 1167; 44113

(e) A service benefit plan as referenced in 42 U.S.C. 44114

<u>1396a(a)(25);</u>	44115
<u>(f) A managed care organization;</u>	44116
<u>(g) A pharmacy benefit manager;</u>	44117
<u>(h) A third party administrator;</u>	44118
<u>(i) Any other person or governmental entity that is, by law,</u>	44119
<u>contract, or agreement, responsible for the payment or processing</u>	44120
<u>of a claim for a medical item or service for a public assistance</u>	44121
<u>recipient or participant.</u>	44122
<u>(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a</u>	44123
<u>person or governmental entity listed in division (E)(1) of this</u>	44124
<u>section is a third party even if the person or governmental entity</u>	44125
<u>limits or excludes payments for a medical item or service in the</u>	44126
<u>case of a public assistance recipient.</u>	44127
<u>(3) "Third party" does not include the program for medically</u>	44128
<u>handicapped children established under section 3701.023 of the</u>	44129
<u>Revised Code.</u>	44130
<b>Sec. 5101.572.</b> <del>Upon the request of the department of job and</del>	44131
<del>family services, any (A) A third party as defined in section</del>	44132
<del>5101.571 of the Revised Code shall cooperate with the department</del>	44133
<del>of job and family services in identifying individuals for the</del>	44134
<del>purpose of establishing third party liability pursuant to Title</del>	44135
<del>XIX of the Social Security Act, as amended. The</del>	44136
<u>(B) In furtherance of the requirement in division (A) of this</u>	44137
<u>section and to allow the department to determine any period that</u>	44138
<u>the individual or the individual's spouse or dependent may have</u>	44139
<u>been covered by the third party and the nature of the coverage, a</u>	44140
<u>third party shall provide, as the department so chooses,</u>	44141
<u>information or access to information, or both, in the third</u>	44142
<u>party's electronic data system on the department's request and in</u>	44143
<u>accordance with division (C) of this section.</u>	44144

(C)(1) If the department chooses to receive information 44145  
directly, the third party shall provide the information under all 44146  
of the following circumstances: 44147

(a) In a medium, format, and manner prescribed by the 44148  
director of job and family services in rules adopted under section 44149  
5101.591 of the Revised Code; 44150

(b) Free of charge; 44151

(c) Not later than the end of the thirtieth day after the 44152  
department makes its request, unless a different time is agreed to 44153  
by the director in writing. 44154

(2) If the department chooses to receive access to 44155  
information, the third party shall provide access by a method 44156  
prescribed by the director of job and family services in rules 44157  
adopted under section 5101.591 of the Revised Code. In 44158  
facilitating access, the department may enter into a trading 44159  
partner agreement with the third party to permit the exchange of 44160  
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 44161  
Inquiry and Response" transactions. 44162

(D) All of the following apply with respect to information 44163  
provided by a third party to the department under this section: 44164

(1) The information is confidential and not a public record 44165  
under section 149.43 of the Revised Code. 44166

(2) The release of information to the department is not to be 44167  
considered a violation of any right of confidentiality or contract 44168  
that the third party may have with covered persons including, but 44169  
not limited to, contractees, beneficiaries, heirs, assignees, and 44170  
subscribers. 44171

(3) The third party is immune from any liability that it may 44172  
otherwise incur through its release of information to the 44173  
department. 44174

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~~

~~(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 administrative rules. Any information provided by a third party to the department of job and family services shall not 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. The third party is immune from any liability that it may otherwise incur through its release of information to the department of job and family services.~~

Sec. 5101.573. (A) Subject to division (B) of this section, a third party shall do all of the following:

(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code.

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than three years after the date of the provision of such medical item or service;

(3) Pay a claim described in division (A)(2) of this section;

(4) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance



recipient who is the subject of the claim to present proper 44205  
documentation of coverage at the time of service, if both of the 44206  
following are true: 44207

(a) The claim was submitted by the department not later than 44208  
three years after the date of the provision of the medical item or 44209  
service; 44210

(b) An action by the department to enforce its right of 44211  
recovery under section 5101.58 of the Revised Code on the claim 44212  
was commenced not later than six years after the department's 44213  
submission of the claim. 44214

(B) For purposes of the requirements in division (A) of this 44215  
section, a third party shall treat a managed care organization as 44216  
the department for a claim in which both of the following are 44217  
true: 44218

(1) The individual who is the subject of the claim received a 44219  
medical item or service through a managed care organization that 44220  
has entered into a contract with the department of job and family 44221  
services under section 5111.16 of the Revised Code; 44222

(2) The department has assigned its right of recovery for the 44223  
claim to the managed care organization. 44224

**Sec. 5101.574.** No third party shall consider whether an 44225  
individual is eligible for or receives medical assistance when 44226  
either of the following applies: 44227

(A) The individual seeks to obtain a policy or enroll in a 44228  
plan or program operated or administered by the third party; 44229

(B) The individual, or a person or governmental entity on the 44230  
individual's behalf, seeks payment for a medical item or service 44231  
provided to the individual. 44232

**Sec. 5101.575.** (A) If a third party violates section 44233

5101.572, 5101.573, or 5101.574 of the Revised Code, a 44234  
governmental entity that is responsible for issuing a license, 44235  
certificate of authority, registration, or approval that 44236  
authorizes the third party to do business in this state may impose 44237  
a fine against the third party or deny, revoke, or terminate the 44238  
third party's license, certificate, registration, or approval to 44239  
do business in this state. The governmental entity shall determine 44240  
which sanction is to be imposed. All actions to impose the 44241  
sanction shall be taken in accordance with Chapter 119. of the 44242  
Revised Code. 44243

(B) In addition to the sanctions that may be imposed under 44244  
division (A) of this section for a violation of section 5101.572, 44245  
5101.573, or 5101.574 of the Revised Code, the attorney general 44246  
may petition a court of common pleas to enjoin the violation. 44247

~~Sec. 5101.58. As used in this section and section 5101.59 of~~ 44248  
~~the Revised Code, "public assistance" means aid provided under~~ 44249  
~~Chapter 5111. or 5115. of the Revised Code and participation in~~ 44250  
~~the Ohio works first program established under Chapter 5107. of~~ 44251  
~~the Revised Code.~~ 44252

(A) The acceptance of public assistance gives a an automatic 44253  
right of recovery to the department of job and family services and 44254  
a county department of job and family services against the 44255  
liability of a third party for the cost of medical ~~services and~~ 44256  
~~care arising out of injury, disease, or disability~~ assistance paid 44257  
on behalf of the public assistance recipient or participant. When 44258  
an action or claim is brought against a third party by a public 44259  
assistance recipient or participant, ~~the entire amount of any~~ 44260  
payment, settlement or compromise of the action or claim, or any 44261  
court award or judgment, is subject to the recovery right of the 44262  
department of job and family services or county department of job 44263  
and family services. Except in the case of a recipient or 44264

participant who receives medical ~~services or care~~ assistance 44265  
through a managed care organization, the department's or county 44266  
department's claim shall not exceed the amount of medical ~~expenses~~ 44267  
assistance paid by the departments a department on behalf of the 44268  
recipient or participant. ~~In A payment, settlement, compromise,~~ 44269  
judgment, or award that excludes the cost of medical assistance 44270  
paid for by a department shall not preclude a department from 44271  
enforcing its rights under this section. 44272

(B) In the case of a recipient or participant who receives 44273  
medical ~~services or care~~ assistance through a managed care 44274  
organization, the amount of the department's or county 44275  
department's claim shall be the amount the managed care 44276  
organization pays for medical ~~services or care~~ assistance rendered 44277  
to the recipient or participant, even if that amount is more than 44278  
the amount ~~the departments pay~~ a department pays to the managed 44279  
care organization for the recipient's or participant's medical 44280  
~~services or care. Any settlement, compromise, judgment, or award~~ 44281  
~~that excludes the cost of medical services or care shall not~~ 44282  
~~preclude the departments from enforcing their rights under this~~ 44283  
~~section~~ assistance. 44284

~~Prior to initiating any~~ (C) A recipient or participant, and 44285  
the recipient's or participant's attorney, if any, shall cooperate 44286  
with the departments. In furtherance of this requirement, the 44287  
recipient or participant, or the recipient's or participant's 44288  
attorney, if any, shall, not later than thirty days after 44289  
initiating informal recovery activity or filing a legal recovery 44290  
~~action, the recipient or participant, or the recipient's or~~ 44291  
~~participant's representative, shall disclose~~ against a third 44292  
party, provide written notice of the activity or action to the 44293  
appropriate department or departments as follows: 44294

(1) To only the department of job and family services when 44295  
medical assistance under medicaid has been paid; 44296

(2) To the department of job and family services and the appropriate county department of job and family services when medical assistance under the disability medical assistance program has been paid. 44297  
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(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the recipient or participant has or may have a right of recovery. Disclosure shall be made to the department of job and family services when medical expenses have been paid pursuant to Chapter 5111. or 5115. of the Revised Code. Disclosure shall be made to both the department of job and family services and the appropriate county department of job and family services when medical expenses have been paid pursuant to Chapter 5115. of the Revised Code. No 44301  
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(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 44311  
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(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 44322  
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department of job and family services as soon as the third party 44329  
is notified in writing of the valid claims for recovery under this 44330  
section. 44331

~~The (G)(1) Subject to division (G)(2) of this section, the 44332  
right of recovery of a department does not apply to that portion 44333  
of any judgment, award, settlement, or compromise of a claim, to 44334  
the extent of attorneys' fees, costs, or other expenses incurred 44335  
by a recipient or participant in securing the judgment, award, 44336  
settlement, or compromise, or to the extent of medical, surgical, 44337  
and hospital expenses paid by such recipient or participant from 44338  
the recipient's or participant's own resources. Attorney fees and 44339  
costs or other expenses in securing any recovery shall not be 44340  
assessed against any claims of the departments. 44341~~

~~To (2) Reasonable attorneys' fees, not to exceed one-third of 44342  
the total judgment, award, settlement, or compromise, plus costs 44343  
and other expenses incurred by the recipient or participant in 44344  
securing the judgment, award, settlement, or compromise, shall 44345  
first be deducted from the total judgment, award, settlement, or 44346  
compromise. After fees, costs, and other expenses are deducted 44347  
from the total judgment, award, settlement, or compromise, the 44348  
department of job and family services or appropriate county 44349  
department of job and family services shall receive no less than 44350  
one-half of the remaining amount, or the actual amount of medical 44351  
assistance paid, whichever is less. 44352~~

~~(H) A right of recovery created by this section may be 44353  
enforced separately or jointly by the department of job and family 44354  
services or the appropriate county department of job and family 44355  
services. To enforce their recovery rights, the departments may do 44356  
any of the following: 44357~~

~~(A)(1) Intervene or join in any action or proceeding brought 44358  
by the recipient or participant or on the recipient's or 44359  
participant's behalf against any third party who may be liable for 44360~~

the cost of medical ~~services and care arising out of the~~ 44361  
~~recipient's or participant's injury, disease, or disability~~ 44362  
assistance paid; 44363

~~(B)(2)~~ Institute and pursue legal proceedings against any 44364  
third party who may be liable for the cost of medical ~~services and~~ 44365  
~~care arising out of the recipient's or participant's injury,~~ 44366  
~~disease, or disability~~ assistance paid; 44367

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 44368  
injured, diseased, or disabled recipient or participant or the 44369  
recipient's or participant's ~~legal~~ attorney or representative. 44370

~~Recovery rights created by this section may be enforced~~ 44371  
~~separately or jointly by the department of job and family services~~ 44372  
~~and the county department of job and family services.~~ 44373

(I) A recipient or participant shall not assess attorney 44374  
fees, costs, or other expenses against the department of job and 44375  
family services or a county department of job and family services 44376  
when the department or county department enforces its right of 44377  
recovery created by this section. 44378

(J) The right of recovery given to the department under this 44379  
section does not include rights to support from any other person 44380  
assigned to the state under sections 5107.20 and 5115.07 of the 44381  
Revised Code, but includes payments made by a third party under 44382  
contract with a person having a duty to support. 44383

~~The director of job and family services may adopt rules in~~ 44384  
~~accordance with Chapter 119. of the Revised Code the department~~ 44385  
~~considers necessary to implement this section.~~ 44386

**Sec. 5101.59.** (A) The application for, or acceptance of, 44387  
public assistance constitutes an automatic assignment of certain 44388  
rights to the department of job and family services. This 44389  
assignment includes the rights of the applicant, recipient, or 44390

participant and also the rights of any other member of the 44391  
assistance group for whom the applicant, recipient, or participant 44392  
can legally make an assignment. 44393

(B) Pursuant to this section, the applicant, recipient, or 44394  
participant assigns to the department any rights to medical 44395  
support available to the applicant, recipient, or participant or 44396  
for other members of the assistance group under an order of a 44397  
court or administrative agency, and any rights to payments ~~from~~ 44398  
~~any by a liable~~ third party ~~liable to pay~~ for the cost of medical 44399  
~~care and services arising out of injury, disease, or disability of~~ 44400  
~~the applicant, recipient, participant, or other members of the~~ 44401  
~~assistance group~~ assistance paid on behalf of a public assistance 44402  
recipient or participant. The recipient or participant shall 44403  
cooperate with the department in obtaining such payments. 44404

Medicare benefits shall not be assigned pursuant to this 44405  
section. Benefits assigned to the department by operation of this 44406  
section are directly reimbursable to the department by liable 44407  
third parties. 44408

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 44409  
cooperate in obtaining medical ~~support and payments~~ assistance 44410  
paid for self or any other member of the assistance group renders 44411  
the applicant, recipient, or participant ineligible for public 44412  
assistance, unless cooperation is waived by the department. 44413  
Eligibility shall continue for any individual who cannot legally 44414  
assign the individual's own rights and who would have been 44415  
eligible for public assistance but for the refusal to assign the 44416  
individual's rights or to cooperate as required by this section by 44417  
another person legally able to assign the individual's rights. 44418

(D) If the applicant, recipient, or participant or any member 44419  
of the assistance group becomes ineligible for public assistance, 44420  
the department shall restore to the applicant, recipient, 44421  
participant, or member of the assistance group any future rights 44422

to benefits assigned under this section. 44423

(E) The rights of assignment given to the department under 44424  
this section do not include rights to support assigned under 44425  
section 5107.20 or 5115.07 of the Revised Code. 44426

~~(C) The director of job and family services may adopt rules 44427  
in accordance with Chapter 119. of the Revised Code to implement 44428  
this section, including rules that specify what constitutes 44429  
cooperating with efforts to obtain medical support and payments 44430  
and when the cooperation requirement may be waived. 44431~~

Sec. 5101.591. (A) Except as provided in division (B) of this 44432  
section, the director of job and family services may adopt rules 44433  
in accordance with Chapter 119. of the Revised Code to implement 44434  
sections 5101.571 to 5101.59 of the Revised Code, including rules 44435  
that specify what constitutes cooperating with efforts to obtain 44436  
support or payments, or medical assistance payments, and when 44437  
cooperation may be waived. 44438

(B) The department shall adopt rules in accordance with 44439  
Chapter 119. of the Revised Code to do all of the following: 44440

(1) For purposes of the definition of "information" in 44441  
division (A) of section 5101.571 of the Revised Code, any data 44442  
other than the data specified in that division that should be 44443  
included in the definition. 44444

(2) For purposes of division (C)(1)(a) of section 5101.572 of 44445  
the Revised Code, the medium, format, and manner in which a third 44446  
party must provide information to the department. 44447

(3) For purposes of division (C)(2) of section 5101.572 of 44448  
the Revised Code, the method by which a third party must provide 44449  
the department with access to information. 44450

Sec. 5101.802. (A) As used in this section: 44451



(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code. 44452  
44453

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 44454  
44455

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 44456  
44457

(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 six month intervals for a total period not to exceed thirty-six months. 44458  
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(C) A kinship caregiver may participate in the program if all of the following requirements are met: 44468  
44469

(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; 44470  
44471  
44472

~~(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;~~ 44473  
44474  
44475

~~(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~~ 44476  
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<u>temporary court order is not sufficient to meet this requirement;</u>	44483
<del>(4)</del> (3) The kinship caregiver is either the minor child's custodian or guardian;	44484 44485
<del>(5)</del> (4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;	44486 44487 44488
<del>(6)</del> <u>The (5) Excluding any income excluded under rules adopted</u> <u>under division (E) of this section, the gross income of the</u> kinship caregiver's family, including the minor child, does not exceed <del>two</del> <u>three</u> hundred per cent of the federal poverty guidelines.	44489 44490 44491 44492 44493
(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.	44494 44495 44496 44497 44498 44499
(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:	44500 44501 44502 44503
(1) The application process for the program;	44504
(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;	44505 44506 44507
(3) The initial and ongoing eligibility determination process <u>for the program, including the computation of income eligibility;</u>	44508 44509
(4) The amount of the incentive payments provided under the program;	44510 44511
(5) The method by which the incentive payments are provided	44512

to a kinship caregiver~~+~~. 44513

~~(6) Anything else the director considers necessary to 44514  
implement the program. 44515~~

~~(F) The director shall begin implementation of the kinship 44516  
permanency incentive program no later than January 1, 2006. The 44517  
amendments made to this section by Am. Sub. H.B. 119 of the 127th 44518  
general assembly shall not affect the eligibility of any kinship 44519  
caregiver whose eligibility was established before the effective 44520  
date of the amendments. 44521~~

**Sec. 5101.98.** (A) There is hereby created in the state 44522  
treasury the military injury relief fund, which shall consist of 44523  
money contributed to it under section 5747.113 of the Revised 44524  
Code, of incentive grants authorized by the "Jobs for Veterans 44525  
Act," 116 Stat. 2033 (2002), and of contributions made directly to 44526  
it. Any person or entity may contribute directly to the fund in 44527  
addition to or independently of the income tax refund contribution 44528  
system established in section 5747.113 of the Revised Code. 44529

(B) Upon application, the director of job and family services 44530  
shall grant money in the fund to individuals injured while in 44531  
active service as a member of the armed forces of the United 44532  
States ~~and~~ while serving under operation Iraqi freedom or 44533  
operation enduring freedom and to individuals diagnosed with 44534  
post-traumatic stress disorder while serving, or after having 44535  
served, in operation Iraqi freedom or operation enduring freedom. 44536

(C) An individual who receives a grant under this section is 44537  
~~not~~ precluded from receiving ~~one or more~~ additional grants under 44538  
this section ~~and~~ during the same state fiscal year but is not 44539  
precluded from being considered for or receiving other assistance 44540  
offered by the department of job and family services. 44541

(D) The director shall adopt rules under Chapter 119. of the 44542

Revised Code establishing:	44543
(1) Forms and procedures by which individuals may apply for a grant under this section;	44544 44545
(2) Criteria for reviewing, evaluating, and <del>ranking</del> <u>approving or denying</u> grant applications;	44546 44547
(3) Criteria for determining the amount of grants awarded under this section; <del>and</del>	44548 44549
(4) <u>Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;</u>	44550 44551 44552
<u>(5) The process for appealing eligibility determinations; and</u>	44553
<u>(6) Any other rules necessary to administer the grant program established in this section.</u>	44554 44555
<u>(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.</u>	44556 44557 44558 44559
<b>Sec. 5104.04.</b> (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.	44560 44561 44562 44563
(B)(1)(a) The department shall, at least twice during every twelve-month period of operation of a center or type A home, inspect the center or type A home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A	44564 44565 44566 44567 44568 44569 44570 44571 44572

home. 44573

At least one inspection shall be unannounced and all 44574  
inspections may be unannounced. No person, firm, organization, 44575  
institution, or agency shall interfere with the inspection of a 44576  
center or type A home by any state or local official engaged in 44577  
performing duties required of the state or local official by 44578  
Chapter 5104. of the Revised Code or rules adopted pursuant to 44579  
Chapter 5104. of the Revised Code, including inspecting the center 44580  
or type A home, reviewing records, or interviewing licensees, 44581  
employees, children, or parents. 44582

(b) Upon receipt of any complaint that a center or type A 44583  
home is out of compliance with the requirements of Chapter 5104. 44584  
of the Revised Code or rules adopted pursuant to Chapter 5104. of 44585  
the Revised Code, the department shall investigate the center or 44586  
home, and both of the following apply: 44587

(i) If the complaint alleges that a child suffered physical 44588  
harm while receiving child care at the center or home or that the 44589  
noncompliance alleged in the complaint involved, resulted in, or 44590  
poses a substantial risk of physical harm to a child receiving 44591  
child care at the center or home, the department shall inspect the 44592  
center or home. 44593

(ii) If division (B)(1)(b)(i) of this section does not apply 44594  
regarding the complaint, the department may inspect the center or 44595  
home. 44596

(c) Division (B)(1)(b) of this section does not limit, 44597  
restrict, or negate any duty of the department to inspect a center 44598  
or type A home that otherwise is imposed under this section, or 44599  
any authority of the department to inspect a center or type A home 44600  
that otherwise is granted under this section when the department 44601  
believes the inspection is necessary and it is permitted under the 44602  
grant. 44603

(2) If the department implements an instrument-based program 44604  
monitoring information system, it may use an indicator checklist 44605  
to comply with division (B)(1) of this section. 44606

(3) The department shall, ~~at least once during every~~ 44607  
~~twelve month period of operation of a center or type A home,~~ 44608  
contract with a third party by the first day of October in each 44609  
even-numbered year to collect information concerning the amounts 44610  
charged by the center or home for providing child care services 44611  
for use in establishing reimbursement ceilings and payment 44612  
pursuant to section 5104.30 of the Revised Code. The third party 44613  
shall compile the information and report the results of the survey 44614  
to the department not later than the first day of December in each 44615  
even-numbered year. 44616

(C) In the event a licensed center or type A home is 44617  
determined to be out of compliance with the requirements of 44618  
Chapter 5104. of the Revised Code or rules adopted pursuant to 44619  
Chapter 5104. of the Revised Code, the department shall notify the 44620  
licensee of the center or type A home in writing regarding the 44621  
nature of the violation, what must be done to correct the 44622  
violation, and by what date the correction must be made. If the 44623  
correction is not made by the date established by the department, 44624  
the department may commence action under Chapter 119. of the 44625  
Revised Code to revoke the license. 44626

(D) The department may deny or revoke a license, or refuse to 44627  
renew a license of a center or type A home, if the applicant 44628  
knowingly makes a false statement on the application, does not 44629  
comply with the requirements of Chapter 5104. or rules adopted 44630  
pursuant to Chapter 5104. of the Revised Code, or has pleaded 44631  
guilty to or been convicted of an offense described in section 44632  
5104.09 of the Revised Code. 44633

(E) If the department finds, after notice and hearing 44634  
pursuant to Chapter 119. of the Revised Code, that any person, 44635

firm, organization, institution, or agency licensed under section 44636  
5104.03 of the Revised Code is in violation of any provision of 44637  
Chapter 5104. of the Revised Code or rules adopted pursuant to 44638  
Chapter 5104. of the Revised Code, the department may issue an 44639  
order of revocation to the center or type A home revoking the 44640  
license previously issued by the department. Upon the issuance of 44641  
any order of revocation, the person whose license is revoked may 44642  
appeal in accordance with section 119.12 of the Revised Code. 44643

(F) The surrender of a center or type A home license to the 44644  
department or the withdrawal of an application for licensure by 44645  
the owner or administrator of the center or type A home shall not 44646  
prohibit the department from instituting any of the actions set 44647  
forth in this section. 44648

(G) Whenever the department receives a complaint, is advised, 44649  
or otherwise has any reason to believe that a center or type A 44650  
home is providing child care without a license issued or renewed 44651  
pursuant to section 5104.03 and is not exempt from licensing 44652  
pursuant to section 5104.02 of the Revised Code, the department 44653  
shall investigate the center or type A home and may inspect the 44654  
areas children have access to or areas necessary for the care of 44655  
children in the center or type A home during suspected hours of 44656  
operation to determine whether the center or type A home is 44657  
subject to the requirements of Chapter 5104. or rules adopted 44658  
pursuant to Chapter 5104. of the Revised Code. 44659

(H) The department, upon determining that the center or type 44660  
A home is operating without a license, shall notify the attorney 44661  
general, the prosecuting attorney of the county in which the 44662  
center or type A home is located, or the city attorney, village 44663  
solicitor, or other chief legal officer of the municipal 44664  
corporation in which the center or type A home is located, that 44665  
the center or type A home is operating without a license. Upon 44666  
receipt of the notification, the attorney general, prosecuting 44667

attorney, city attorney, village solicitor, or other chief legal 44668  
officer of a municipal corporation shall file a complaint in the 44669  
court of common pleas of the county in which the center or type A 44670  
home is located requesting that the court grant an order enjoining 44671  
the owner from operating the center or type A home in violation of 44672  
section 5104.02 of the Revised Code. The court shall grant such 44673  
injunctive relief upon a showing that the respondent named in the 44674  
complaint is operating a center or type A home and is doing so 44675  
without a license. 44676

(I) The department shall prepare an annual report on 44677  
inspections conducted under this section. The report shall include 44678  
the number of inspections conducted, the number and types of 44679  
violations found, and the steps taken to address the violations. 44680  
The department shall file the report with the governor, the 44681  
president and minority leader of the senate, and the speaker and 44682  
minority leader of the house of representatives on or before the 44683  
first day of January of each year, beginning in 1999. 44684

**Sec. 5104.30.** (A) The department of job and family services 44685  
is hereby designated as the state agency responsible for 44686  
administration and coordination of federal and state funding for 44687  
publicly funded child care in this state. Publicly funded child 44688  
care shall be provided to the following: 44689

(1) Recipients of transitional child care as provided under 44690  
section 5104.34 of the Revised Code; 44691

(2) Participants in the Ohio works first program established 44692  
under Chapter 5107. of the Revised Code; 44693

(3) Individuals who would be participating in the Ohio works 44694  
first program if not for a sanction under section 5107.16 of the 44695  
Revised Code and who continue to participate in a work activity, 44696  
developmental activity, or alternative work activity pursuant to 44697  
an assignment under section 5107.42 of the Revised Code; 44698



(4) A family receiving publicly funded child care on October 44699  
1, 1997, until the family's income reaches one hundred fifty per 44700  
cent of the federal poverty line; 44701

(5) Subject to available funds, other individuals determined 44702  
eligible in accordance with rules adopted under section 5104.38 of 44703  
the Revised Code. 44704

The department shall apply to the United States department of 44705  
health and human services for authority to operate a coordinated 44706  
program for publicly funded child care, if the director of job and 44707  
family services determines that the application is necessary. For 44708  
purposes of this section, the department of job and family 44709  
services may enter into agreements with other state agencies that 44710  
are involved in regulation or funding of child care. The 44711  
department shall consider the special needs of migrant workers 44712  
when it administers and coordinates publicly funded child care and 44713  
shall develop appropriate procedures for accommodating the needs 44714  
of migrant workers for publicly funded child care. 44715

(B) The department of job and family services shall 44716  
distribute state and federal funds for publicly funded child care, 44717  
including appropriations of state funds for publicly funded child 44718  
care and appropriations of federal funds available under the child 44719  
care block grant act, Title IV-A, and Title XX. The department may 44720  
use any state funds appropriated for publicly funded child care as 44721  
the state share required to match any federal funds appropriated 44722  
for publicly funded child care. 44723

(C) In the use of federal funds available under the child 44724  
care block grant act, all of the following apply: 44725

(1) The department may use the federal funds to hire staff to 44726  
prepare any rules required under this chapter and to administer 44727  
and coordinate federal and state funding for publicly funded child 44728  
care. 44729

(2) Not more than five per cent of the aggregate amount of 44730  
the federal funds received for a fiscal year may be expended for 44731  
administrative costs. 44732

(3) The department shall allocate and use at least four per 44733  
cent of the federal funds for the following: 44734

(a) Activities designed to provide comprehensive consumer 44735  
education to parents and the public; 44736

(b) Activities that increase parental choice; 44737

(c) Activities, including child care resource and referral 44738  
services, designed to improve the quality, and increase the 44739  
supply, of child care; 44740

(d) Establishing a voluntary child day-care center 44741  
quality-rating program in which participation in the program may 44742  
allow a child day-care center to be eligible for grants, technical 44743  
assistance, training, or other assistance and become eligible for 44744  
unrestricted monetary awards for maintaining a quality rating. 44745

(4) The department shall ensure that the federal funds will 44746  
be used only to supplement, and will not be used to supplant, 44747  
federal, state, and local funds available on the effective date of 44748  
the child care block grant act for publicly funded child care and 44749  
related programs. A county department of job and family services 44750  
may purchase child care from funds obtained through any other 44751  
means. 44752

(D) The department shall encourage the development of 44753  
suitable child care throughout the state, especially in areas with 44754  
high concentrations of recipients of public assistance and 44755  
families with low incomes. The department shall encourage the 44756  
development of suitable child care designed to accommodate the 44757  
special needs of migrant workers. On request, the department, 44758  
through its employees or contracts with state or community child 44759  
care resource and referral service organizations, shall provide 44760

consultation to groups and individuals interested in developing 44761  
child care. The department of job and family services may enter 44762  
into interagency agreements with the department of education, the 44763  
board of regents, the department of development, and other state 44764  
agencies and entities whenever the cooperative efforts of the 44765  
other state agencies and entities are necessary for the department 44766  
of job and family services to fulfill its duties and 44767  
responsibilities under this chapter. 44768

The department shall develop and maintain a registry of 44769  
persons providing child care. The director shall adopt rules 44770  
pursuant to Chapter 119. of the Revised Code establishing 44771  
procedures and requirements for the registry's administration. 44772

(E)(1) The director shall adopt rules in accordance with 44773  
Chapter 119. of the Revised Code establishing both of the 44774  
following: 44775

(a) Reimbursement ceilings for providers of publicly funded 44776  
child care not later than the first day of July in each 44777  
odd-numbered year; 44778

(b) A procedure for reimbursing and paying providers of 44779  
publicly funded child care. 44780

(2) In establishing reimbursement ceilings under division 44781  
(E)(1)(a) of this section, the director shall do all of the 44782  
following: 44783

(a) Use the information obtained under division (B)(3) of 44784  
section 5104.04 of the Revised Code; 44785

(b) Establish an enhanced reimbursement ceiling for providers 44786  
who provide child care for caretaker parents who work 44787  
nontraditional hours; 44788

(c) For a type B family day-care home provider that has 44789  
received limited certification pursuant to rules adopted under 44790

division (G)(1) of section 5104.011 of the Revised Code, establish 44791  
a reimbursement ceiling that is the following: 44792

(i) If the provider is a person described in division 44793  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 44794  
per cent of the reimbursement ceiling that applies to a type B 44795  
family day-care home certified by the same county department of 44796  
job and family services pursuant to section 5104.11 of the Revised 44797  
Code; 44798

(ii) If the provider is a person described in division 44799  
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 44800  
of the reimbursement ceiling that applies to a type B family 44801  
day-care home certified by the same county department pursuant to 44802  
section 5104.11 of the Revised Code. 44803

(3) In establishing reimbursement ceilings under division 44804  
(E)(1)(a) of this section, the director may establish different 44805  
reimbursement ceilings based on any of the following: 44806

(a) Geographic location of the provider; 44807

(b) Type of care provided; 44808

(c) Age of the child served; 44809

(d) Special needs of the child served; 44810

(e) Whether the expanded hours of service are provided; 44811

(f) Whether weekend service is provided; 44812

(g) Whether the provider has exceeded the minimum 44813  
requirements of state statutes and rules governing child care; 44814

(h) Any other factors the director considers appropriate. 44815

(F) The director shall adopt rules in accordance with Chapter 44816  
119. of the Revised Code to implement the voluntary child day-care 44817  
center quality-rating program described in division (C)(3)(d) of 44818  
this section. 44819

Sec. 5107.02. As used in this chapter:	44820
(A) "Adult" means an individual who is not a minor child.	44821
(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.	44822 44823 44824
(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.	44825 44826 44827 44828
(D) <u>"Domestic violence" means being subjected to any of the following:</u>	44829 44830
<u>(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;</u>	44831 44832
<u>(2) Sexual abuse;</u>	44833
<u>(3) Sexual activity involving a dependent child;</u>	44834
<u>(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;</u>	44835 44836
<u>(5) Threats of, or attempts at, physical or sexual abuse;</u>	44837
<u>(6) Mental abuse;</u>	44838
<u>(7) Neglect or deprivation of medical care.</u>	44839
(E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.	44840 44841 44842 44843 44844 44845
<del>(E)</del> (F) <u>"LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised</u>	44846 44847

<u>Code.</u>	44848
<del>(G)</del> <u>(G)</u> "Minor child" means either of the following:	44849
(1) An individual who has not attained age eighteen;	44850
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.	44851 44852 44853
<del>(F)</del> <u>(H)</u> "Minor head of household" means a minor child who is either of the following:	44854 44855
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;	44856 44857
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	44858 44859
<del>(G)</del> <u>(I)</u> "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	44860 44861 44862
<del>(H)</del> <u>(J)</u> "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.	44863 44864 44865 44866
<del>(I)</del> <u>(K)</u> "Specified relative" means the following individuals who are age eighteen or older:	44867 44868
(1) The following individuals related by blood or adoption:	44869
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	44870 44871
(b) Siblings;	44872
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	44873 44874 44875
(d) First cousins and first cousins once removed.	44876

(2) Stepparents and stepsiblings; 44877

(3) Spouses and former spouses of individuals named in 44878  
division ~~(I)~~(K)(1) or (2) of this section. 44879

~~(J)~~(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 44880  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 44881  
301, as amended. 44882

**Sec. 5107.03.** There is hereby established the Ohio works 44883  
first program. The department of job and family services shall 44884  
administer the program, as long as federal funds are provided for 44885  
the program, in accordance with Title IV-A, federal regulations, 44886  
state law, the Title IV-A state plan submitted to the United 44887  
States secretary of health and human services under section 44888  
5101.80 of the Revised Code, amendments to the plan, and federal 44889  
waivers granted by the United States secretary. 44890

~~The department shall make all cash assistance payments for 44891  
Ohio works first from funds appropriated for the Ohio works first 44892  
program. A county department of job and family services may use 44893  
county funds to increase the amount of cash assistance an 44894  
assistance group receives. An increase in the amount of cash 44895  
assistance that results from such a use of county funds shall not 44896  
be included as countable income, gross earned income, or gross 44897  
unearned income of the assistance group. 44898~~

**Sec. 5107.04.** As used in this section, "cost-of-living 44899  
adjustment" means the cost-of-living adjustment made by the United 44900  
States commissioner of social security under 42 U.S.C. 415(i) for 44901  
benefits provided under Title II of the "Social Security Act of 44902  
1935." 44903

The department of job and family services shall make all cash 44904  
assistance payments for Ohio works first from funds appropriated 44905  
for the Ohio works first program. The amount of a cash assistance 44906

payment the department is to make to an assistance group shall be 44907  
determined in accordance with rules adopted under section 5107.05 44908  
of the Revised Code and shall not exceed the payment standard. The 44909  
department shall increase the payment standard on January 1, 2009, 44910  
and the first day of each January thereafter by the cost-of-living 44911  
adjustment made in the immediately preceding December. 44912

A county department of job and family services may use county 44913  
funds to increase the amount of cash assistance an assistance 44914  
group receives. An increase in the amount of cash assistance that 44915  
results from such a use of county funds shall not be included as 44916  
countable income, gross earned income, or gross unearned income of 44917  
the assistance group. 44918

**Sec. 5107.05.** The director of job and family services shall 44919  
adopt rules to implement this chapter. The rules shall be 44920  
consistent with Title IV-A, Title IV-D, federal regulations, state 44921  
law, the Title IV-A state plan submitted to the United States 44922  
secretary of health and human services under section 5101.80 of 44923  
the Revised Code, amendments to the plan, and waivers granted by 44924  
the United States secretary. Rules governing eligibility, program 44925  
participation, and other applicant and participant requirements 44926  
shall be adopted in accordance with Chapter 119. of the Revised 44927  
Code. Rules governing financial and other administrative 44928  
requirements applicable to the department of job and family 44929  
services and county departments of job and family services shall 44930  
be adopted in accordance with section 111.15 of the Revised Code. 44931

(A) The rules shall specify, establish, or govern all of the 44932  
following: 44933

(1) A payment standard for Ohio works first based on federal 44934  
and state appropriations that is increased in accordance with 44935  
section 5107.04 of the Revised Code; 44936

(2) The For the purpose of section 5107.04 of the Revised 44937



Code, the method of determining the amount of cash assistance an 44938  
assistance group receives under Ohio works first; 44939

(3) Requirements for initial and continued eligibility for 44940  
Ohio works first, including requirements regarding income, 44941  
citizenship, age, residence, and assistance group composition. ~~The~~ 44942  
~~rules regarding income shall specify what is countable income,~~ 44943  
~~gross earned income, and gross unearned income for the purpose of~~ 44944  
~~section 5107.10 of the Revised Code.~~i 44945

(4) For the purpose of section 5107.12 of the Revised Code, 44946  
application and verification procedures, including the minimum 44947  
information an application must contain. ~~If there are at least two~~ 44948  
~~telephone numbers available that a county department of human~~ 44949  
~~services can call to contact members of an assistance group, which~~ 44950  
~~may include the telephone number of an individual who can contact~~ 44951  
~~an assistance group member for the county department, the minimum~~ 44952  
~~information shall include at least those two telephone numbers.~~i 44953

(5) The extent to which a participant of Ohio works first 44954  
must notify, pursuant to section 5107.12 of the Revised Code, a 44955  
county department of job and family services of additional income 44956  
not previously reported to the county department; 44957

(6) For the purpose of section 5107.16 of the Revised Code, 44958  
standards for the determination of good cause for failure or 44959  
refusal to comply in full with a provision of a self-sufficiency 44960  
contract; 44961

(7) The department of job and family services providing 44962  
written notice of a sanction under section 5107.161 of the Revised 44963  
Code; 44964

~~(7)~~(8) Requirements for the collection and distribution of 44965  
support payments owed participants of Ohio works first pursuant to 44966  
section 5107.20 of the Revised Code; 44967

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 44968

Code, what constitutes cooperating in establishing a minor child's 44969  
paternity or establishing, modifying, or enforcing a child support 44970  
order and good cause for failure or refusal to cooperate. ~~The rule~~ 44971  
~~shall be consistent with 42 U.S.C.A. 654(29).;~~ 44972

~~(9)~~(10) The requirements governing the LEAP program ~~provided~~ 44973  
~~for under section 5107.30 of the Revised Code~~, including the 44974  
definitions of "equivalent of a high school diploma" and "good 44975  
cause," and the incentives provided under the LEAP program; 44976

~~(10)~~(11) If the director implements section 5107.301 of the 44977  
Revised Code, the requirements governing the award provided under 44978  
that section, including the form that the award is to take and 44979  
requirements an individual must satisfy to receive the award; 44980

~~(11)~~(12) Circumstances under which a county department of job 44981  
and family services may exempt a minor head of household or adult 44982  
from participating in a work activity or developmental activity 44983  
for all or some of the weekly hours otherwise required by section 44984  
5107.43 of the Revised Code. ~~Circumstances shall include that a~~ 44985  
~~school or place of work is closed due to a holiday or weather or~~ 44986  
~~other emergency and that an employer grants the minor head of~~ 44987  
~~household or adult leave for illness or earned vacation.~~ 44988

~~(12)~~(13) The maximum amount of time the department will 44989  
subsidize positions created by state agencies and political 44990  
subdivisions under division (C) of section 5107.52 of the Revised 44991  
Code; 44992

(14) The implementation of sections 5107.71 to 5107.717 of 44993  
the Revised Code by county departments of job and family services; 44994

(15) A domestic violence screening process to be used for the 44995  
purpose of division (A) of section 5107.71 of the Revised Code; 44996

(16) The minimum frequency with which county departments of 44997  
job and family services must redetermine a member of an assistance 44998  
group's need for a waiver issued under section 5107.714 of the 44999

<u>Revised Code.</u>	45000
(B) <u>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.</u>	45001 45002 45003 45004
<u>The rules adopted under division (A)(9) of this section shall be consistent with 42 U.S.C. 654(29).</u>	45005 45006
<u>The rules adopted under division (A)(12) of this section shall specify that the circumstances 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.</u>	45007 45008 45009 45010 45011
(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.	45012 45013 45014 45015
<b>Sec. 5107.10.</b> (A) As used in this section:	45016
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	45017 45018 45019
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	45020 45021 45022 45023
(3) "Gross income" means gross earned income and gross unearned income.	45024 45025
(4) <del>"Initial eligibility threshold" means the higher of the following:</del>	45026 45027
<del>(a) Fifty per cent of the federal poverty guidelines;</del>	45028

~~(b) The gross income maximum for initial eligibility for Ohio works first as that maximum was set by division (D)(1)(a) of this section on the day before the effective date of this amendment.~~

~~(5) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.~~

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts 45090  
disregarded pursuant to division (D)(1)(a) of this section, does 45091  
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 45092  
federal poverty guidelines, determine whether the assistance 45093  
group's countable income is less than the payment standard. The 45094  
assistance group is ineligible to participate in Ohio works first 45095  
if the assistance group's countable income equals or exceeds the 45096  
payment standard. 45097

(2) For the purpose of determining whether an assistance 45098  
group meets the income requirement established by division 45099  
(D)(1)(a) of this section, the annual revision that the United 45100  
States department of health and human services makes to the 45101  
federal poverty guidelines shall go into effect on the first day 45102  
of July of the year for which the revision is made. 45103

(3) To determine whether an assistance group participating in 45104  
Ohio works first continues to be eligible to participate, a county 45105  
department of job and family services shall determine whether the 45106  
assistance group's countable income continues to be less than the 45107  
payment standard. In making this determination, the county 45108  
department shall disregard the first two hundred fifty dollars and 45109  
fifty per cent of the remainder of the assistance group's gross 45110  
earned income. No amounts shall be disregarded from the assistance 45111  
group's gross unearned income. The assistance group ceases to be 45112  
eligible to participate in Ohio works first if its countable 45113  
income, less the amounts disregarded, equals or exceeds the 45114  
payment standard. 45115

(4) If an assistance group reapplies to participate in Ohio 45116  
works first not more than four months after ceasing to 45117  
participate, a county department of job and family services shall 45118  
use the income requirement established by division (D)(3) of this 45119  
section to determine eligibility for resumed participation rather 45120  
than the income requirement established by division (D)(1) of this 45121

section. 45122

(E)(1) An assistance group may continue to participate in 45123  
Ohio works first even though a public children services agency 45124  
removes the assistance group's minor children from the assistance 45125  
group's home due to abuse, neglect, or dependency if the agency 45126  
does both of the following: 45127

(a) Notifies the county department of job and family services 45128  
at the time the agency removes the children that it believes the 45129  
children will be able to return to the assistance group within six 45130  
months; 45131

(b) Informs the county department at the end of each of the 45132  
first five months after the agency removes the children that the 45133  
parent, guardian, custodian, or specified relative of the children 45134  
is cooperating with the case plans prepared for the children under 45135  
section 2151.412 of the Revised Code and that the agency is making 45136  
reasonable efforts to return the children to the assistance group. 45137

(2) An assistance group may continue to participate in Ohio 45138  
works first pursuant to division (E)(1) of this section for not 45139  
more than six payment months. This division does not affect the 45140  
eligibility of an assistance group that includes a woman at least 45141  
six months pregnant. 45142

**Sec. 5107.12.** An assistance group seeking to participate in 45143  
the Ohio works first program shall apply to a county department of 45144  
job and family services using an application containing 45145  
information the director of job and family services requires 45146  
pursuant to rules adopted under section 5107.05 of the Revised 45147  
Code and any additional information the county department 45148  
requires. If cash assistance under the program is to be paid by 45149  
the director of budget and management through the medium of direct 45150  
deposit as provided by section 329.03 of the Revised Code, the 45151  
application shall be accompanied by information the director needs 45152

to make direct deposits. 45153

When a county department receives an application for 45154  
participation in Ohio works first, it shall promptly make an 45155  
investigation and record of the circumstances of the applicant in 45156  
order to ascertain the facts surrounding the application and to 45157  
obtain such other information as may be required. Upon the 45158  
completion of the investigation, the county department shall 45159  
determine as soon as possible whether the applicant is eligible to 45160  
participate, the amount of cash assistance the applicant should 45161  
receive, and the approximate date when participation shall begin. 45162  
The county department shall not delay making the determination of 45163  
whether the applicant is eligible to participate on the basis that 45164  
the individuals required by section 5107.14 of the Revised Code to 45165  
enter into a written self-sufficiency contract with the county 45166  
department have not yet done that. The amount of cash assistance 45167  
so determined shall be certified to the department of job and 45168  
family services in such form as the department shall prescribe. 45169  
Warrants, direct deposits, or debit cards shall be delivered or 45170  
made payable in the manner the department may prescribe. 45171

To the extent required by rules adopted under section 5107.05 45172  
of the Revised Code, a participant of Ohio works first shall 45173  
notify the county department immediately upon the receipt or 45174  
possession of additional income not previously reported to the 45175  
county department. Any failure to so notify a county department 45176  
shall be regarded as prima-facie evidence of an intent to defraud. 45177

Sec. 5107.121. A county department of job and family services 45178  
shall provide assistance groups applying for or undergoing a 45179  
redetermination of eligibility for Ohio works first written and 45180  
oral information about both of the following: 45181

(A) The availability of counseling and supportive services 45182  
pursuant to division (B) of section 5107.71 of the Revised Code 45183



for members of the assistance group who have been subjected to 45184  
domestic violence; 45185

(B) The availability of waivers under section 5107.714 of the 45186  
Revised Code exempting members of the assistance group who have 45187  
been subjected to domestic violence from a requirement of the Ohio 45188  
works first program. 45189

**Sec. 5107.14.** (A) An assistance group is ineligible to 45190  
participate in Ohio works first unless the minor head of household 45191  
or each adult member of the assistance group, not later than 45192  
thirty days after applying for or undergoing a redetermination of 45193  
eligibility for the program, enters the following enter into a 45194  
written self-sufficiency contract with the county department of 45195  
job and family services not later than thirty days after the 45196  
assistance group applies for or undergoes a redetermination of 45197  
eligibility for the program: 45198

(1) Each adult member of the assistance group; 45199

(2) The assistance group's minor head of household unless the 45200  
minor head of household is participating in the LEAP program. The 45201

(B) A self-sufficiency contract shall set forth the rights 45202  
and responsibilities of the assistance group as applicants for and 45203  
participants of the program, including work responsibilities 45204  
established under sections 5107.40 to 5107.69 of the Revised Code 45205  
and other requirements designed to assist the assistance group in 45206  
achieving self-sufficiency and personal responsibility. The county 45207  
department shall provide without charge a copy of the contract to 45208  
each assistance group member who signs it. 45209

Each Ohio works first. Each self-sufficiency contract shall 45210  
include, based on appraisals conducted under section 5107.41 of 45211  
the Revised Code and assessments conducted under section 5107.70 45212  
of the Revised Code, the following: 45213

~~(A)~~(1) The assistance group's plan, developed under section 45214  
5107.41 of the Revised Code, to achieve the goal of self 45215  
sufficiency and personal responsibility through unsubsidized 45216  
employment within the time limit for participating in Ohio works 45217  
first established by section 5107.18 of the Revised Code; 45218

~~(B)~~(2) Work activities, developmental activities, and 45219  
alternative work activities to which members of the assistance 45220  
group are assigned under sections 5107.40 to 5107.69 of the 45221  
Revised Code; 45222

~~(C)~~(3) The responsibility of a caretaker member of the 45223  
assistance group to cooperate in establishing a minor child's 45224  
paternity and establishing, modifying, and enforcing a support 45225  
order for the child in accordance with section 5107.22 of the 45226  
Revised Code; 45227

~~(D)~~(4) Other responsibilities that members of the assistance 45228  
group must satisfy to participate in Ohio works first and the 45229  
consequences for failure or refusal to satisfy the 45230  
responsibilities; 45231

~~(E)~~(5) An agreement that, except as otherwise provided in a 45232  
waiver issued under section 5107.714 of the Revised Code, the 45233  
assistance group will comply with the conditions of participating 45234  
in Ohio works first established by this chapter and sections 45235  
5101.58, 5101.59, and 5101.83 of the Revised Code; 45236

~~(F)~~(6) Assistance and services the county department will 45237  
provide to the assistance group; 45238

~~(G)~~(7) Assistance and services the child support enforcement 45239  
agency and public children services agency will provide to the 45240  
assistance group pursuant to a plan of cooperation entered into 45241  
under section 307.983 of the Revised Code; 45242

~~(H)~~(8) Other provisions designed to assist the assistance 45243  
group in achieving self sufficiency and personal responsibility; 45244

<del>(I)</del> (9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	45245 45246
<del>(J)</del> (10) Procedures for amending the contract.	45247
<u>(C) No self-sufficiency contract shall include provisions regarding the LEAP program.</u>	45248 45249
<u>(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.</u>	45250 45251 45252
<b>Sec. 5107.16.</b> (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	45253 45254 45255 45256 45257
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month <del>or until the failure or refusal ceases, whichever is longer;</del>	45258 45259 45260 45261
(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months <del>or until the failure or refusal ceases, whichever is longer;</del>	45262 45263 45264 45265
(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months <del>or until the failure or refusal ceases, whichever is longer.</del>	45266 45267 45268 45269 45270
(B) <del>Each county department</del> <u>The director</u> of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract <u>in rules adopted under section 5107.05</u>	45271 45272 45273 45274

of the Revised Code. 45275

~~(1) In the case of a failure or refusal to participate in a 45276  
work activity, developmental activity, or alternative work 45277  
activity under sections 5107.40 to 5107.69 of the Revised Code, 45278  
good cause shall include, except as provided in division (B)(2) of 45279  
this section, the following: 45280~~

~~(a) Failure of the county department to place the member in 45281  
an activity; 45282~~

~~(b) Failure of the county department to provide for the 45283  
assistance group to receive support services the county department 45284  
determines under section 5107.66 of the Revised Code to be 45285  
necessary. In determining whether good cause exists, a county 45286  
department shall determine that day care is a necessary support 45287  
service if a single custodial parent caring for a minor child 45288  
under age six proves a demonstrated inability, as determined by 45289  
the county department, to obtain needed child care for one or more 45290  
of the following reasons: 45291~~

~~(i) Unavailability of appropriate child care within a 45292  
reasonable distance from the parent's home or work site; 45293~~

~~(ii) Unavailability or unsuitability of informal child care 45294  
by a relative or under other arrangements; 45295~~

~~(iii) Unavailability of appropriate and affordable formal 45296  
child care arrangements. 45297~~

~~(2) Good cause does not exist if the member of the assistance 45298  
group is placed in a work activity established under section 45299  
5107.58 of the Revised Code and exhausts the support services 45300  
available for that activity. 45301~~

~~(C) When a state hearing under division (B) of section 45302  
5101.35 of the Revised Code or an administrative appeal under 45303  
division (C) of that section is held regarding a sanction under 45304~~

~~this section, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.~~

~~(D)~~ After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group ~~to provide the 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.~~

~~(E)~~(D) An adult eligible for ~~medical assistance~~ medicaid 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 provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for ~~medical assistance~~ medicaid unless the adult is otherwise eligible for ~~medical assistance~~ medicaid pursuant to another division of section 5111.01 of the Revised Code.

~~(F)~~ An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to be eligible for all of the following:

(1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;

(2) Support services in accordance with section 5107.66 of the Revised Code;

(3) To the extent permitted by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.~~A.~~ 201, as amended, to participate in work activities, developmental activities, and alternative work activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.

**Sec. 5107.17.** An assistance group that resumes participation in Ohio works first following a sanction under section 5107.16 of the Revised Code is not required to do either of the following:

(A) Reapply under section 5107.12 of the Revised Code, unless it is the assistance group's regularly scheduled time for an eligibility redetermination;

(B) Enter into a new self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department of job and family services determines it is time for a new appraisal under section 5107.41 of the Revised Code or the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract as determined using procedures included in the contract under division ~~(I)~~(B)(9) of section 5107.14 of the Revised Code.

**Sec. 5107.18.** (A) Except as provided in divisions (B), (C), (D), ~~and~~ (E), and (F) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an individual who has participated in the program for thirty-six months as any of the following: an adult head of household, minor head of household, or spouse of an adult head of household or minor head of household. The time limit applies regardless of whether the thirty-six months are consecutive.

(B) An assistance group that has ceased to participate in Ohio works first pursuant to division (A) of this section for at least twenty-four months, whether consecutive or not, may reapply

to participate in the program if good cause exists as determined 45366  
by the county department of job and family services. Good cause 45367  
may include losing employment, inability to find employment, 45368  
divorce, domestic violence considerations, and unique personal 45369  
circumstances. The assistance group must provide a county 45370  
department of job and family services verification acceptable to 45371  
the county department of whether any members of the assistance 45372  
group had employment during the period the assistance group was 45373  
not participating in Ohio works first and the amount and sources 45374  
of the assistance group's income during that period. If a county 45375  
department is satisfied that good cause exists for the assistance 45376  
group to reapply to participate in Ohio works first, the 45377  
assistance group may reapply. Except as provided in divisions (C), 45378  
(D), and ~~(E)~~(F) of this section, the assistance group may not 45379  
participate in Ohio works first for more than twenty-four 45380  
additional months. The time limit applies regardless of whether 45381  
the twenty-four months are consecutive. 45382

(C) In determining the number of months a parent or pregnant 45383  
woman has received assistance under Title IV-A, a county 45384  
department of job and family services shall disregard any month 45385  
during which the parent or pregnant woman was a minor child but 45386  
was neither a minor head of household nor married to the head of 45387  
an assistance group. 45388

(D) In determining the number of months an adult has received 45389  
assistance under Title IV-A, a county department of job and family 45390  
services shall disregard any month during which the adult lived on 45391  
an Indian reservation or in an Alaska native village, as those 45392  
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 45393  
at least one thousand individuals lived on the reservation or in 45394  
the village and at least fifty per cent of the adults living on 45395  
the reservation or in the village were unemployed. 45396

(E) A county department of job and family services may exempt 45397

an Ohio works first assistance group from the time limit 45398  
established by division (A) of this section by issuing a waiver of 45399  
the time limit in accordance with section 5107.714 of the Revised 45400  
Code. A county department may not exempt an assistance group until 45401  
the group has exhausted its thirty-six months of cash assistance. 45402  
An exemption granted under this division shall not count toward 45403  
the twenty per cent limitation that applies to the exemptions 45404  
granted under division (F) of this section. 45405

(F) A county department of job and family services may exempt 45406  
not more than twenty per cent of the average monthly number of 45407  
Ohio works first assistance groups from the time limit established 45408  
by this section on the grounds that the county department 45409  
determines that the time limit is a hardship. In the case of the 45410  
time limit established by division (A) of this section, a county 45411  
department may not exempt an assistance group until the group has 45412  
exhausted its thirty-six months of cash assistance. 45413

~~(F)~~(G) The department of job and family services shall 45414  
continually monitor the percentage of the average monthly number 45415  
of Ohio works first assistance groups in each county that is 45416  
exempted under division ~~(E)~~(F) of this section from the time limit 45417  
established by this section. On determining that the percentage in 45418  
any county equals or exceeds eighteen per cent, the department 45419  
shall immediately notify the county department of job and family 45420  
services. 45421

~~(G)~~(H) Only participation in Ohio works first on or after 45422  
October 1, 1997, applies to the time limit established by this 45423  
section. The time limit applies regardless of the source of 45424  
funding for the program. Assistance under Title IV-A provided by 45425  
any state applies to the time limit. The time limit is a lifetime 45426  
limit. No assistance group shall receive assistance under the 45427  
program in violation of the time limit for assistance under Title 45428  
IV-A established by section 408(a)(7) of the "Social Security 45429



Act," as amended by the "Personal Responsibility and Work  
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42  
U.S.C.A. 608 (a)(7). 45430  
45431  
45432

**Sec. 5107.281.** A participant of Ohio works first who is 45433  
enrolled in a school district in a county that is participating in 45434  
the learnfare program and is not younger than age six but not 45435  
older than age nineteen shall participate in the learnfare program 45436  
unless one of the following is the case: 45437

(A) The participant is not yet eligible for enrollment in 45438  
first grade; 45439

(B) The participant is subject to the LEAP program ~~under~~ 45440  
~~section 5107.30 of the Revised Code;~~ 45441

(C) The participant has received one of the following: 45442

(1) A high school diploma; 45443

(2) A certificate stating that the participant has achieved 45444  
the equivalent of a high school education as measured by scores 45445  
obtained on the tests of general educational development as 45446  
published by the American council on education. 45447

(D) The participant has been excused from school attendance 45448  
pursuant to section 3321.04 of the Revised Code; 45449

(E) If child care services for a member of the participant's 45450  
household are necessary for the participant to attend school, 45451  
child care licensed or certified under Chapter 5104. of the 45452  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 45453  
Code and transportation to and from the child care are not 45454  
available; 45455

(F) The participant has been adjudicated a delinquent or 45456  
unruly child pursuant to section 2151.28 of the Revised Code. 45457

**Sec. 5107.30.** (A) As used in this section: 45458

(1) "Equivalent of a high school diploma" and "good cause" 45459  
have the meanings established in rules adopted under section 45460  
5107.05 of the Revised Code. 45461

(2) ~~"LEAP program" means the learning, earning, and parenting~~ 45462  
~~program.~~ 45463

~~(3)~~ "Participating teen" means an individual to whom all of 45464  
the following apply: 45465

(a) The individual is a participant of Ohio works first; 45466

(b) The individual is under age eighteen or is age eighteen 45467  
and in school and is a natural or adoptive parent or is pregnant; 45468

(c) The individual is subject to the LEAP program's 45469  
requirements. 45470

~~(4)~~(3) "School" means an educational program that is designed 45471  
to lead to the attainment of a high school diploma or the 45472  
equivalent of a high school diploma. 45473

(B) The director of job and family services may conduct a 45474  
program titled the "LEAP program" in accordance with rules adopted 45475  
under section 5107.05 of the Revised Code. The purpose of the LEAP 45476  
program is to encourage teens to complete school. 45477

Every participating teen shall attend school in accordance 45478  
with the requirements governing the LEAP program unless the 45479  
participating teen shows good cause for not attending school. The 45480  
department shall provide, in addition to the cash assistance 45481  
payment provided under Ohio works first, an incentive payment, in 45482  
an amount determined by the department, to every participating 45483  
teen who attends school in accordance with the requirements 45484  
governing the LEAP program. In addition to the incentive payment, 45485  
the department may provide other incentives to participating teens 45486  
who attend school in accordance with the LEAP program's 45487  
requirements. The department shall reduce the cash assistance 45488

payment, in an amount determined by the department, under Ohio 45489  
works first to every participating teen who fails or refuses, 45490  
without good cause, to meet the LEAP program's requirements. 45491

Every participating teen shall enter into a written agreement 45492  
with the county department of job and family services that 45493  
specifies all of the following: 45494

(1) The participating teen, to be eligible to receive the 45495  
incentive payment and other incentives, if any, under this 45496  
section, must meet the requirements of the LEAP program. 45497

(2) The incentive payment and other incentives, if any, will 45498  
be provided if the participating teen meets the requirements of 45499  
the LEAP program. 45500

(3) The participating teen's cash assistance payment under 45501  
Ohio works first will be reduced if the participating teen fails 45502  
or refuses without good cause to attend school in accordance with 45503  
the requirements governing the LEAP program. 45504

(C) A minor head of ~~household who is participating~~ 45505  
household's participation in the LEAP program shall be ~~considered~~ 45506  
~~to be participating in a work activity for the purpose of sections~~ 45507  
~~5107.40 to 5107.69~~ counted in determining whether a county 45508  
department of job and family services meets the requirement of 45509  
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 45510  
~~household is not subject to the requirements or sanctions of those~~ 45511  
~~sections.~~ 45512

(D) Subject to the availability of funds, county departments 45513  
of job and family services shall provide for participating teens 45514  
to receive support services the county department determines to be 45515  
necessary for LEAP participation. Support services may include 45516  
publicly funded child care under Chapter 5104. of the Revised 45517  
Code, transportation, and other services. 45518

**Sec. 5107.36.** An individual is ~~not eligible to participate in~~ 45519  
ineligible for assistance under Ohio works first if either of the 45520  
following apply: 45521

(A) The individual is a fugitive felon as defined in section 45522  
5101.20 of the Revised Code; 45523

(B) The individual is violating a condition of probation, a 45524  
community control sanction, parole, or a post-release control 45525  
sanction imposed under federal or state law. 45526

**Sec. 5107.41.** As soon as possible after an assistance group 45527  
submits an application to participate in Ohio works first, the 45528  
county department of job and family services that receives the 45529  
application shall schedule and conduct an appraisal of each member 45530  
of the assistance group who is a minor head of household or adult, 45531  
other than a minor head of household participating in the LEAP 45532  
program. The appraisal may include an evaluation of the 45533  
employment, educational, physiological, and psychological 45534  
abilities or liabilities, or both, of the minor head of household 45535  
or adult. At the appraisal, the county department shall develop 45536  
with the minor head of household or adult a plan for the 45537  
assistance group to achieve the goal of self sufficiency and 45538  
personal responsibility through unsubsidized employment within the 45539  
time limit for participating in the Ohio works first program 45540  
established by section 5107.18 of the Revised Code. The plan shall 45541  
include assignments to one or more work activities, developmental 45542  
activities, or alternative work activities in accordance with 45543  
section 5107.42 of the Revised Code. The county department shall 45544  
include the plan in the self-sufficiency contract entered into 45545  
under section 5107.14 of the Revised Code. 45546

The county department shall conduct more appraisals of the 45547  
minor head of household or adult at times the county department 45548

determines. 45549

If the minor head of household or adult claims to have a 45550  
medically determinable physiological or psychological impairment, 45551  
illness, or disability, the county department may require that the 45552  
minor head of household or adult undergo an independent medical or 45553  
psychological examination at a time and place reasonably 45554  
convenient to the minor head of household or adult. 45555

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 45556  
of this section, county departments of job and family services 45557  
shall assign each minor head of household and adult participating 45558  
in Ohio works first, other than a minor head of household 45559  
participating in the LEAP program, to one or more work activities 45560  
and developmental activities. 45561

If a county department assigns a minor head of household or 45562  
adult to the work activity established under division (H) of 45563  
section 5107.60 of the Revised Code, the county department shall 45564  
make reasonable efforts to assign the minor head of household or 45565  
adult to at least one other work activity at the same time. If a 45566  
county department assigns a minor head of household or adult to 45567  
the work activity established under section 5107.58 of the Revised 45568  
Code, the county department shall assign the minor head of 45569  
household or adult to at least one other work activity at the same 45570  
time. 45571

A county department may not assign a minor head of household 45572  
or adult to a work activity established under division (D) of 45573  
section 5107.60 of the Revised Code for more than twelve months. 45574

(B) If a county department determines that a minor head of 45575  
household or adult has a temporary or permanent barrier to 45576  
participation in a work activity, it may assign the minor head of 45577  
household or adult to one or more alternative work activities 45578  
instead of assigning the minor head of household or adult to one 45579

or more work activities or developmental activities. A county 45580  
department may not assign more than twenty per cent of minor heads 45581  
of household and adults participating in Ohio works first to an 45582  
alternative work activity. 45583

County departments shall establish standards for determining 45584  
whether a minor head of household or adult has a temporary or 45585  
permanent barrier to participating in a work activity. The 45586  
following are examples of circumstances that a county department 45587  
may consider when it develops its standards: 45588

(1) A minor head of household or adult provides the county 45589  
department documented evidence that one or more members of the 45590  
assistance group have been the victim of domestic violence and are 45591  
in imminent danger of suffering continued domestic violence; 45592

(2) A minor head of household or adult is actively 45593  
participating in an alcohol or drug addiction program certified by 45594  
the department of alcohol and drug addiction services under 45595  
section 3793.06 of the Revised Code; 45596

(3) An assistance group is homeless. 45597

(C) A county department may exempt a minor head of household 45598  
or adult who is unmarried and caring for a minor child under 45599  
twelve months of age from the work requirements of sections 45600  
5107.40 to 5107.69 of the Revised Code for not more than twelve 45601  
months. While exempt, the minor head of household or adult shall 45602  
be disregarded in determining whether the county department is 45603  
meeting the requirement of section 5107.44 of the Revised Code. 45604  
The county department shall assign the exempt minor head of 45605  
household or adult to at least one developmental activity for a 45606  
number of hours a week the county department determines. The 45607  
county department may assign the exempt minor head of household or 45608  
adult to one or more work activities, in addition to developmental 45609  
activities, for a number of hours the county department 45610

determines. Division (B) of section 5107.43 of the Revised Code 45611  
does not apply to the exempt minor head of household or adult. 45612

(D) A county department may reassign a minor head of 45613  
household or adult when the county department determines 45614  
reassignment will aid the assistance group in achieving self 45615  
sufficiency and personal responsibility and shall make 45616  
reassignments when circumstances requiring reassignment occur, 45617  
including when a temporary barrier to participating in a work 45618  
activity is eliminated. 45619

A county department shall include assignments in the 45620  
self-sufficiency contract entered into under section 5107.14 of 45621  
the Revised Code and shall amend the contract when a reassignment 45622  
is made to include the reassignment in the contract. 45623

**Sec. 5107.70.** A county department of job and family services, 45624  
at times it determines, may conduct assessments of assistance 45625  
groups participating in Ohio works first to determine whether any 45626  
members of the group are in need of other assistance or services 45627  
provided by the county department or other private or government 45628  
entities. Assessments may include the following: 45629

(A) Whether any member of the assistance group has a 45630  
substance abuse problem; 45631

(B) Whether there are any other circumstances that may limit 45632  
an assistance group member's employability. 45633

~~At the first assessment conducted by the county department,~~ 45634  
~~it shall inquire as to whether any member of an assistance group~~ 45635  
~~is the victim of domestic violence, including child abuse. The~~ 45636  
~~county department shall provide this information to the department~~ 45637  
~~of job and family services. The department shall maintain the~~ 45638  
~~information for statistical analysis purposes.~~ 45639

The county department may refer an assistance group member to 45640

a private or government entity that provides assistance or 45641  
services the county department determines the member needs. The 45642  
entity may be a public children services agency, chapter of 45643  
alcoholics anonymous, narcotics anonymous, or cocaine anonymous, 45644  
or any other entity the county department considers appropriate. 45645

Sec. 5107.71. Each county department of job and family 45646  
services shall do all of the following in accordance with rules 45647  
adopted under section 5107.05 of the Revised Code: 45648

(A) Identify members of assistance groups applying for and 45649  
participating in Ohio works first who have been subjected to 45650  
domestic violence by utilizing the domestic violence screening 45651  
process established in the rules; 45652

(B) Refer a member who has been subjected to domestic 45653  
violence to counseling and supportive services; 45654

(C) Except as provided in section 5107.713 of the Revised 45655  
Code, maintain the confidentiality of information about a member 45656  
who has been subjected to domestic violence; 45657

(D) Make a determination of whether a member who has been 45658  
subjected to domestic violence should be issued a waiver under 45659  
section 5107.714 of the Revised Code. 45660

Sec. 5107.711. When utilizing the domestic violence screening 45661  
process established in rules adopted under section 5107.05 of the 45662  
Revised Code to identify members of assistance groups applying for 45663  
and participating in Ohio works first who have been subjected to 45664  
domestic violence, a county department of job and family services 45665  
shall do both of the following: 45666

(A) Where available, rely on records from any of the 45667  
following: 45668

(1) Police, courts, and other governmental entities; 45669



(2) Shelters and legal, religious, medical, and other professionals from whom an assistance group member sought assistance in dealing with domestic violence; 45670  
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(3) Other persons with knowledge of the domestic violence. 45673

(B) Rely on an assistance group member's allegation of domestic violence unless the county department has an independent, reasonable basis to find the allegation not credible. 45674  
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Sec. 5107.712. A member of an assistance group applying for or participating in Ohio works first who is referred to counseling or supportive services pursuant to division (B) of section 5107.71 of the Revised Code may decline the counseling, supportive services, or both. 45677  
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Sec. 5107.713. When a county department of job and family services identifies a member of an assistance group applying for or participating in Ohio works first who has been subjected to domestic violence, the county department shall provide information about the member to the department of job and family services. The department shall maintain the information for federal reporting and statistical analysis purposes only. 45682  
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Sec. 5107.714. A county department of job and family services shall issue a member of an assistance group participating in Ohio works first a waiver that exempts the member from a requirement of the Ohio works first program if the county department determines that the member has been subjected to domestic violence and requiring compliance with the requirement would make it more difficult for the member to escape domestic violence or unfairly penalize the member. A waiver shall specify the particular requirement being waived. A waiver may not exempt the member from the time limit on participating in the Ohio works first program established by division (B) of section 5107.18 of the Revised 45689  
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Code. A waiver shall be effective for a period of time the county department determines necessary. The county department shall redetermine the member's need for the waiver not less often than a period of time specified in rules adopted under section 5107.05 of the Revised Code.

Sec. 5107.715. A county department of job and family services that refuses to issue a waiver under section 5107.714 of the Revised Code for a member of an assistance group participating in Ohio works first shall provide the member a written explanation for the refusal. The written explanation shall be provided to the member in a manner protecting the member's confidentiality. The member may appeal the refusal pursuant to section 5101.35 of the Revised Code.

Sec. 5107.716. A member of an assistance group participating in Ohio works first may decline a waiver that would otherwise be issued under section 5107.714 of the Revised Code and may terminate at any time a waiver that has been issued under that section.

Sec. 5107.717. The department of job and family services shall monitor county departments of job and family services' implementation of sections 5107.71 to 5107.716 of the Revised Code to ensure that the county departments comply with those sections.

Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this chapter and provided by the department of job and family services under this chapter, Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration centers for medicare and

medicaid services of the United States department of health and human services. 45729  
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The department of job and family services shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the department shall comply with 42 C.F.R. 431.10(e). The department's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the director of job and family services. 45731  
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(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: 45740  
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(1) Families with children that meet either of the following conditions: 45745  
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(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. 45747  
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(b) The family does not meet the requirements specified in 45761  
division (A)(1)(a) of this section but is eligible for ~~medical~~ 45762  
~~assistance~~ medicaid pursuant to section 5101.18 of the Revised 45763  
Code. 45764

(2) Aged, blind, and disabled persons who meet the following 45765  
conditions: 45766

(a) Receive federal aid under Title XVI of the "Social 45767  
Security Act," or are eligible for but are not receiving such aid, 45768  
provided that the income from all other sources for individuals 45769  
with independent living arrangements shall not exceed one hundred 45770  
seventy-five dollars per month. The income standards hereby 45771  
established shall be adjusted annually at the rate that is used by 45772  
the United States department of health and human services to 45773  
adjust the amounts payable under Title XVI. 45774

(b) Do not receive aid under Title XVI, but meet any of the 45775  
following criteria: 45776

(i) Would be eligible to receive such aid, except that their 45777  
income, other than that excluded from consideration as income 45778  
under Title XVI, exceeds the maximum under division (A)(2)(a) of 45779  
this section, and incurred expenses for medical care, as 45780  
determined under federal regulations applicable to section 209(b) 45781  
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 45782  
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 45783  
their income exceeds the maximum under division (A)(2)(a) of this 45784  
section; 45785

(ii) Received aid for the aged, aid to the blind, or aid for 45786  
the permanently and totally disabled prior to January 1, 1974, and 45787  
continue to meet all the same eligibility requirements; 45788

(iii) Are eligible for ~~medical-assistance~~ medicaid pursuant 45789  
to section 5101.18 of the Revised Code. 45790

(3) Persons to whom federal law requires, as a condition of 45791

state participation in the medicaid program, that ~~medical~~ 45792  
assistance medicaid be provided; 45793

(4) Persons under age twenty-one who meet the income 45794  
requirements for the Ohio works first program established under 45795  
Chapter 5107. of the Revised Code but do not meet other 45796  
eligibility requirements for the program. The director shall adopt 45797  
rules in accordance with Chapter 119. of the Revised Code 45798  
specifying which Ohio works first requirements shall be waived for 45799  
the purpose of providing medicaid eligibility under division 45800  
(A)(4) of this section. 45801

(B) If sufficient funds are appropriated for ~~such purpose by~~ 45802  
~~the general assembly~~ the medicaid program, the department may 45803  
provide medical assistance under the medicaid program to persons 45804  
in groups designated by federal law as groups to which a state, at 45805  
its option, may provide medical assistance under the medicaid 45806  
program. 45807

(C) The Subject to an executive order issued under section 45808  
5111.0120 of the Revised Code, the department may expand 45809  
eligibility for ~~medical assistance~~ the medicaid program to include 45810  
individuals under age nineteen with family incomes at or below one 45811  
hundred fifty per cent of the federal poverty guidelines, except 45812  
that the eligibility expansion shall not occur unless the 45813  
department receives the approval of the federal government. The 45814  
department may implement the eligibility expansion authorized 45815  
under this division on any date selected by the department, but 45816  
not sooner than January 1, 1998. 45817

(D) In addition to any other authority or requirement to 45818  
adopt rules under this chapter, the director may adopt rules in 45819  
accordance with section 111.15 of the Revised Code as the director 45820  
considers necessary to establish standards, procedures, and other 45821  
requirements regarding the provision of medical assistance under 45822  
the medicaid program. The rules may establish requirements to be 45823

followed in applying for ~~medical assistance~~ medicaid, making 45824  
determinations of eligibility for ~~medical assistance~~ medicaid, and 45825  
verifying eligibility for ~~medical assistance~~ medicaid. The rules 45826  
may include special conditions as the department determines 45827  
appropriate for making applications, determining eligibility, and 45828  
verifying eligibility for any medical assistance that the 45829  
department may provide under the medicaid program pursuant to 45830  
division (C) of this section and section 5111.014 or 5111.019 of 45831  
the Revised Code. 45832

**Sec. 5111.011.** (A) The director of job and family services 45833  
shall adopt rules establishing eligibility requirements for the 45834  
medicaid program. The rules shall be adopted pursuant to section 45835  
111.15 of the Revised Code and shall be consistent with federal 45836  
and state law and any executive order issued under section 45837  
5111.0120 of the Revised Code. The rules shall include rules that 45838  
do all of the following: 45839

(1) Establish standards consistent with federal law for 45840  
allocating income and resources as income and resources of the 45841  
spouse, children, parents, or stepparents of a recipient of or 45842  
applicant for medicaid; 45843

(2) Define the term "resources" as used in division (A)(1) of 45844  
this section; 45845

(3) Specify the number of months that is to be used for the 45846  
purpose of the term "look-back date" used in section 5111.0116 of 45847  
the Revised Code; 45848

(4) Establish processes to be used to determine both of the 45849  
following: 45850

(a) The date an institutionalized individual's ineligibility 45851  
for services under section 5111.0116 of the Revised Code is to 45852  
begin; 45853

(b) The number of months an institutionalized individual's ineligibility for such services is to continue. 45854  
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(5) Establish exceptions to the period of ineligibility that an institutionalized individual would otherwise be subject to under section 5111.0116 of the Revised Code; 45856  
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(6) Define the term "other medicaid-funded long-term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code; 45859  
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(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing. 45862  
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(B) Notwithstanding any provision of state law, including statutes, administrative rules, common law, and court rules, regarding real or personal property or domestic relations, the standards established under rules adopted under division (A)(1) of this section shall be used to determine eligibility for medicaid. 45866  
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**Sec. 5111.013.** (A) The provision of medical assistance to pregnant women and young children who are eligible for medical assistance under division (A)(3) of section 5111.01 of the Revised Code, but who are not otherwise eligible for medical assistance under that section, shall be known as the healthy start program. 45871  
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(B) The department of job and family services shall do all of the following with regard to the application procedures for the healthy start program: 45876  
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(1) Establish a short application form for the program that requires the applicant to provide no more information than is necessary for making determinations of eligibility for the healthy start program, except that the form may require applicants to provide their social security numbers. The form shall include a 45879  
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statement, which must be signed by the applicant, indicating that 45884  
she does not choose at the time of making application for the 45885  
program to apply for assistance provided under any other program 45886  
administered by the department and that she understands that she 45887  
is permitted at any other time to apply at the county department 45888  
of job and family services of the county in which she resides for 45889  
any other assistance administered by the department. 45890

(2) To the extent permitted by federal law, do one or both of 45891  
the following: 45892

(a) Distribute, consistent with section 5111.019 of the 45893  
Revised Code, the application form for the program to each public 45894  
or private entity that serves as a women, infants, and children 45895  
clinic or as a child and family health clinic and to each 45896  
administrative body for such clinics and train employees of each 45897  
such agency or entity to provide applicants assistance in 45898  
completing the form; 45899

(b) In cooperation with the department of health, develop 45900  
arrangements under which employees of county departments of job 45901  
and family services are stationed at public or private agencies or 45902  
entities selected by the department of job and family services 45903  
that serve as women, infants, and children clinics; child and 45904  
family health clinics; or administrative bodies for such clinics 45905  
for the purpose both of assisting applicants for the program in 45906  
completing the application form and of making determinations at 45907  
that location of eligibility for the program. 45908

(3) Establish performance standards by which a county 45909  
department of job and family services' level of enrollment of 45910  
persons potentially eligible for the program can be measured, and 45911  
establish acceptable levels of enrollment for each county 45912  
department. 45913

(4) Direct any county department of job and family services 45914



whose rate of enrollment of potentially eligible enrollees in the 45915  
program is below acceptable levels established under division 45916  
(B)(3) of this section to implement corrective action. Corrective 45917  
action may include but is not limited to any one or more of the 45918  
following to the extent permitted by federal law: 45919

(a) Establishing formal referral and outreach methods with 45920  
local health departments and local entities receiving funding 45921  
through the bureau of maternal and child health; 45922

(b) Designating a specialized intake unit within the county 45923  
department for healthy start applicants; 45924

(c) Establishing abbreviated timeliness requirements to 45925  
shorten the time between receipt of an application and the 45926  
scheduling of an initial application interview; 45927

(d) Establishing a system for telephone scheduling of intake 45928  
interviews for applicants; 45929

(e) Establishing procedures to minimize the time an applicant 45930  
must spend in completing the application and eligibility 45931  
determination process, including permitting applicants to complete 45932  
the process at times other than the regular business hours of the 45933  
county department and at locations other than the offices of the 45934  
county department. 45935

(C) To the extent permitted by federal law, local funds, 45936  
whether from public or private sources, expended by a county 45937  
department for administration of the healthy start program shall 45938  
be considered to have been expended by the state for the purpose 45939  
of determining the extent to which the state has complied with any 45940  
federal requirement that the state provide funds to match federal 45941  
funds for medical assistance, except that this division shall not 45942  
affect the amount of funds the county is entitled to receive under 45943  
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 45944

(D) The director of job and family services shall do one or 45945

both of the following: 45946

(1) To the extent that federal funds are provided for such 45947  
assistance, adopt a plan for granting presumptive eligibility for 45948  
pregnant women applying for healthy start; 45949

(2) To the extent permitted by federal medicaid regulations, 45950  
adopt a plan for making same-day determinations of eligibility for 45951  
pregnant women applying for healthy start. 45952

(E) A county department of job and family services that 45953  
maintains offices at more than one location shall accept 45954  
applications for the healthy start program at all of those 45955  
locations. 45956

(F) The director of job and family services shall adopt rules 45957  
in accordance with section 111.15 of the Revised Code as necessary 45958  
to implement this section. 45959

**Sec. 5111.014.** (A) The director of job and family services 45960  
shall submit to the United States secretary of health and human 45961  
services an amendment to the state medicaid plan to make an 45962  
individual who meets all of the following requirements eligible 45963  
for medicaid: 45964

(1) The individual is pregnant; 45965

(2) The Subject to an executive order issued under section 45966  
5111.0120 of the Revised Code, the individual's family income does 45967  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 45968  
guidelines; 45969

(3) The individual satisfies all relevant requirements 45970  
established by rules adopted under division (D) of section 5111.01 45971  
of the Revised Code. 45972

(B) If approved by the United States secretary of health and 45973  
human services, the director of job and family services shall 45974  
implement the medicaid plan amendment submitted under division (A) 45975

of this section as soon as possible after receipt of notice of the 45976  
approval, but not sooner than January 1, ~~2000~~ 2008. 45977

**Sec. 5111.016.** (A) As used in this section, "healthcheck" has 45978  
the same meaning as in section 3313.714 of the Revised Code. 45979

(B) ~~In accordance with federal law and regulations, the~~ The 45980  
department of job and family services shall ~~establish~~ adopt rules 45981  
in accordance with Chapter 119. of the Revised Code establishing a 45982  
combination of written and oral methods designed to provide 45983  
information about healthcheck to all persons eligible for the 45984  
program or their parents or guardians. The department shall ensure 45985  
that its methods of providing information are effective. The 45986  
methods shall comply with federal law and regulations. 45987

Each county department of job and family services or other 45988  
entity that distributes or accepts applications for medical 45989  
assistance shall prominently display ~~in a conspicuous place the~~ 45990  
~~following~~ notice: 45991

~~"Under state and federal law, if you are a Medicaid~~ 45992  
~~recipient, your child is entitled to a thorough medical~~ 45993  
~~examination provided through Healthcheck. Once this examination is~~ 45994  
~~completed, your child is entitled to receive, at no cost to you,~~ 45995  
~~any service determined to be medically necessary."~~ that complies 45996  
with the rules adopted under this division. 45997

**Sec. 5111.017.** (A) To the extent permitted by federal law, 45998  
and beginning July 1, 2009, county departments of job and family 45999  
services that accept documents related to applications for the 46000  
medicaid program shall convert such documents to an electronic 46001  
format and store them electronically. 46002

(B) The director of job and family services shall adopt rules 46003  
in accordance with Chapter 119. of the Revised Code, as necessary, 46004  
to implement this section. At a minimum, the director shall adopt 46005

rules to address both of the following: 46006

(1) The manner in which the copies of the documents that are 46007  
not electronic copies must be disposed of. The manner specified 46008  
must not compromise the confidentiality of the information 46009  
contained in the documents. 46010

(2) The measures county departments must take to maintain the 46011  
confidentiality of the information contained in the documents that 46012  
are stored electronically. 46013

(C) Not later than the thirtieth day of June each year, each 46014  
county department shall calculate the total expenses the county 46015  
incurred in the state fiscal year ending in the previous calendar 46016  
year to comply with the requirements in this section. 46017

**Sec. 5111.019.** ~~(A)~~ The director of job and family services 46018  
shall submit to the United States secretary of health and human 46019  
services an amendment to the state medicaid plan to make an 46020  
individual eligible for medicaid who meets all of the following 46021  
requirements ~~eligible for medicaid for the amount of time provided~~ 46022  
~~by division (B) of this section:~~ 46023

~~(1)~~(A) The individual is the parent of a child under nineteen 46024  
years of age and resides with the child; 46025

~~(2)~~ The (B) Subject to an executive order issued under 46026  
section 5111.0120 of the Revised Code, the individual's family 46027  
income does not exceed ninety per cent of the federal poverty 46028  
guidelines; 46029

~~(3)~~(C) The individual is not otherwise eligible for medicaid; 46030

~~(4)~~(D) The individual satisfies all relevant requirements 46031  
established by rules adopted under division (D) of section 5111.01 46032  
of the Revised Code. 46033

~~(B) An individual is eligible to receive medicaid under this~~ 46034  
~~section for a period that does not exceed two years beginning on~~ 46035

~~the date on which eligibility is established.~~ 46036

**Sec. 5111.0111.** (A) The director of job and family services 46037  
~~may shall~~ submit to the United States secretary of health and 46038  
human services an amendment to the state medicaid plan to 46039  
implement 42 U.S.C. 1396a (a)(10)(A)(ii)(XVII) to make an 46040  
individual receiving who meets all of the following requirements 46041  
eligible for medicaid: 46042

(1) The individual is under twenty-one years of age; 46043

(2) The individual was in foster care under the 46044  
responsibility of the state on the individual's eighteenth 46045  
birthday; 46046

(3) Foster care maintenance payments or independent living 46047  
services pursuant to sections 2151.81 to 2151.84 of the Revised 46048  
Code eligible for medicaid were furnished under a program funded 46049  
under Title IV-E of the Social Security Act of 1935 on the 46050  
individual's behalf before the individual attained eighteen years 46051  
of age; 46052

(4) The individual meets all other applicable eligibility 46053  
requirements established in rules adopted under section 5111.011 46054  
of the Revised Code. ¶¶ 46055

(B) If approved by the United States secretary of health and 46056  
human services, the director of job and family services shall 46057  
implement the medicaid plan amendment submitted under this section 46058  
beginning January 1, 2008. 46059

**Sec. 5111.0112.** (A) ~~Not later than July 1, 2006, the~~ The 46060  
director of job and family services shall institute a ~~copayment~~ 46061  
~~cost-sharing~~ program under the medicaid program. ~~To the extent~~ 46062  
~~permitted by federal law, the copayment~~ In instituting the 46063  
cost-sharing program, the director shall comply with federal law. 46064  
The cost-sharing program shall establish a copayment requirement 46065

for ~~only~~ at least dental services, vision services, nonemergency 46066  
emergency department services, and prescription drugs, other than 46067  
generic drugs. The cost-sharing program shall establish 46068  
requirements regarding premiums, enrollment fees, deductions, and 46069  
similar charges. The director shall adopt rules under section 46070  
5111.02 of the Revised Code governing the copayment program. 46071

(B) The ~~copayment~~ cost-sharing program shall, to the extent 46072  
permitted by federal law, provide for all of the following with 46073  
regard to any providers participating in the medicaid program: 46074

(1) No provider shall refuse to provide a service to a 46075  
medicaid recipient who is unable to pay a required copayment for 46076  
the service. 46077

(2) Division (B)(1) of this section shall not be considered 46078  
to do either of the following with regard to a medicaid recipient 46079  
who is unable to pay a required copayment: 46080

(a) Relieve the medicaid recipient from the obligation to pay 46081  
a copayment; 46082

(b) Prohibit the provider from attempting to collect an 46083  
unpaid copayment. 46084

(3) Except as provided in division (C) of this section, no 46085  
provider shall waive a medicaid recipient's obligation to pay the 46086  
provider a copayment. 46087

(4) No provider or drug manufacturer, including the 46088  
manufacturer's representative, employee, independent contractor, 46089  
or agent, shall pay any copayment on behalf of a medicaid 46090  
recipient. 46091

(5) If it is the routine business practice of the provider to 46092  
refuse service to any individual who owes an outstanding debt to 46093  
the provider, the provider may consider an unpaid copayment 46094  
imposed by the ~~copayment~~ cost-sharing program as an outstanding 46095

debt and may refuse service to a medicaid recipient who owes the provider an outstanding debt. If the provider intends to refuse service to a medicaid recipient who owes the provider an outstanding debt, the provider shall notify the individual of the provider's intent to refuse services.

(C) In the case of a provider that is a hospital, the ~~copayment~~ cost-sharing program shall permit the hospital to take action to collect a copayment by providing, at the time services are rendered to a medicaid recipient, notice that a copayment may be owed. If the hospital provides the notice and chooses not to take any further action to pursue collection of the copayment, the prohibition against waiving copayments specified in division (B)(3) of this section does not apply.

(D) The department of job and family services may work with a state agency that is administering, pursuant to a contract entered into under section 5111.91 of the Revised Code, one or more components of the medicaid program or one or more aspects of a component as necessary for the state agency to apply the cost-sharing program to the components or aspects of the medicaid program that the state agency administers.

Sec. 5111.0120. The governor may issue an executive order lowering, but not increasing, the income eligibility limit for one or more components of the medicaid program. The governor may not lower the income eligibility limit for a component below an amount permitted by federal law. If the governor issues such an executive order for a medicaid component, the income eligibility for the component may not be restored to its previous level except by act of the general assembly.

Sec. 5111.0121. To the extent permitted by federal law, and beginning July 1, 2009, applications for the medicaid program

shall be submitted through the internet or by other electronic 46126  
means. 46127

The director of job and family services shall adopt rules 46128  
under Chapter 119. of the Revised Code, as necessary, to implement 46129  
this section. At a minimum, the director must adopt rules that 46130  
specify measures county departments of job and family services 46131  
must take to ensure that the applications can be transmitted and 46132  
received in a manner that maintains the confidentiality of 46133  
information contained in them. 46134

**Sec. 5111.023.** (A) As used in this section: 46135

(1) "Community mental health facility" means a community 46136  
mental health facility that has a quality assurance program 46137  
accredited by the joint commission on accreditation of healthcare 46138  
organizations or is certified by the department of mental health 46139  
or department of job and family services. 46140

(2) "Mental health professional" means a person qualified to 46141  
work with mentally ill persons under the standards established by 46142  
the director of mental health pursuant to section 5119.611 of the 46143  
Revised Code. 46144

(B) The state medicaid plan shall include provision of the 46145  
following mental health services when provided by community mental 46146  
health facilities: 46147

(1) Outpatient mental health services, including, but not 46148  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 46149  
and palliative interventions rendered to individuals in an 46150  
individual or group setting by a mental health professional in 46151  
accordance with a plan of treatment appropriately established, 46152  
monitored, and reviewed; 46153

(2) Partial-hospitalization mental health services ~~of three~~ 46154  
~~to fourteen hours per service day,~~ rendered by persons directly 46155



supervised by a mental health professional; 46156

(3) Unscheduled, emergency mental health services of a kind 46157  
ordinarily provided to persons in crisis when rendered by persons 46158  
supervised by a mental health professional; 46159

(4) Subject to receipt of federal approval, assertive 46160  
community treatment and intensive home-based mental health 46161  
services. 46162

(C) The comprehensive annual plan shall certify the 46163  
availability of sufficient unencumbered community mental health 46164  
state subsidy and local funds to match federal medicaid 46165  
reimbursement funds earned by community mental health facilities. 46166

(D) The department of job and family services shall enter 46167  
into a separate contract with the department of mental health 46168  
under section 5111.91 of the Revised Code with regard to the 46169  
component of the medicaid program provided for by this section. 46170

(E) Not later than July 21, 2006, the department of job and 46171  
family services shall request federal approval to provide 46172  
assertive community treatment and intensive home-based mental 46173  
health services under medicaid pursuant to this section. 46174

(F) On receipt of federal approval sought under division (E) 46175  
of this section, the director of job and family services shall 46176  
adopt rules in accordance with Chapter 119. of the Revised Code 46177  
for assertive community treatment and intensive home-based mental 46178  
health services provided under medicaid pursuant to this section. 46179  
The director shall consult with the department of mental health in 46180  
adopting the rules. 46181

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 46182  
Code, the director of job and family services shall adopt rules 46183  
establishing the use of time-limited provider agreements under the 46184  
medicaid program. Under the rules, each provider agreement shall 46185

expire three years from the effective date of the agreement. 46186

(B) The rules for use of time-limited provider agreements shall include a process for re-enrollment of providers. All of the following apply to the re-enrollment process: 46187  
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(1) The department may terminate a time-limited provider agreement or deny re-enrollment when a provider fails to file an application for re-enrollment within the time and in the manner required under the re-enrollment process. 46190  
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(2) If a provider files an application for re-enrollment within the time and in the manner required under the re-enrollment process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 46194  
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(3) A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement. 46201  
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(C) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in division (B)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 46209  
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**Sec. 5111.029.** The medicaid program shall cover occupational therapy services provided by an occupational therapist licensed 46214  
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under section 4755.08 of the Revised Code. Coverage shall not be 46216  
limited to services provided in a hospital or nursing facility. 46217  
Any licensed occupational therapist may enter into a medicaid 46218  
provider agreement with the department of job and family services 46219  
to provide occupational therapy services under the medicaid 46220  
program. 46221

**Sec. 5111.03.** (A) No provider of services or goods 46222  
contracting with the department of job and family services 46223  
pursuant to the medicaid program shall, by deception, obtain or 46224  
attempt to obtain payments under this chapter to which the 46225  
provider is not entitled pursuant to the provider agreement, or 46226  
the rules of the federal government or the department of job and 46227  
family services relating to the program. No provider shall 46228  
willfully receive payments to which the provider is not entitled, 46229  
or willfully receive payments in a greater amount than that to 46230  
which the provider is entitled; nor shall any provider falsify any 46231  
report or document required by state or federal law, rule, or 46232  
provider agreement relating to medicaid payments. As used in this 46233  
section, a provider engages in "deception" when the provider, 46234  
acting with actual knowledge of the representation or information 46235  
involved, acting in deliberate ignorance of the truth or falsity 46236  
of the representation or information involved, or acting in 46237  
reckless disregard of the truth or falsity of the representation 46238  
or information involved, deceives another or causes another to be 46239  
deceived by any false or misleading representation, by withholding 46240  
information, by preventing another from acquiring information, or 46241  
by any other conduct, act, or omission that creates, confirms, or 46242  
perpetuates a false impression in another, including a false 46243  
impression as to law, value, state of mind, or other objective or 46244  
subjective fact. No proof of specific intent to defraud is 46245  
required to show, for purposes of this section, that a provider 46246  
has engaged in deception. 46247

(B) Any provider who violates division (A) of this section shall be liable, in addition to any other penalties provided by law, for all of the following civil penalties:

(1) Payment of interest on the amount of the excess payments at the maximum interest rate allowable for real estate mortgages under section 1343.01 of the Revised Code on the date the payment was made to the provider for the period from the date upon which payment was made, to the date upon which repayment is made to the state;

(2) Payment of an amount equal to three times the amount of any excess payments;

(3) Payment of a sum of not less than five thousand dollars and not more than ten thousand dollars for each deceptive claim or falsification;

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section.

(C) As used in this division, "intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings given in section 5111.20 of the Revised Code.

In addition to the civil penalties provided in division (B) of this section, the director of job and family services, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider agreement between the department and the provider and stop reimbursement to the provider for services rendered ~~for a period of up to five years~~ from the date of conviction or entry of judgment. As used in this ~~chapter~~ division, "owner" means any person having at least five per cent ownership

in the medicaid provider. No such provider, owner, officer, 46279  
authorized agent, associate, manager, or employee shall own or 46280  
provide services to any other medicaid provider or risk contractor 46281  
or arrange for, render, or order services for medicaid recipients 46282  
~~during the period of termination as provided in division (C) of~~ 46283  
~~this section, nor, during the period of termination as provided in~~ 46284  
~~division (C) of this section,~~ shall such provider, owner, officer, 46285  
authorized agent, associate, manager, or employee receive 46286  
reimbursement in the form of direct payments from the department 46287  
or indirect payments of medicaid funds in the form of salary, 46288  
shared fees, contracts, kickbacks, or rebates from or through any 46289  
participating provider or risk contractor. The provider agreement 46290  
shall not be terminated or reimbursement terminated if the 46291  
provider or owner can demonstrate that the provider or owner did 46292  
not directly or indirectly sanction the action of its authorized 46293  
agent, associate, manager, or employee that resulted in the 46294  
conviction or entry of a judgment in a criminal or civil action 46295  
brought pursuant to section 109.85 of the Revised Code. Nothing in 46296  
this division prohibits any owner, officer, authorized agent, 46297  
associate, manager, or employee of a medicaid provider from 46298  
entering into a medicaid provider agreement if the person can 46299  
demonstrate that the person had no knowledge of an action of the 46300  
medicaid provider the person was formerly associated with that 46301  
resulted in the conviction or entry of a judgment in a criminal or 46302  
civil action brought pursuant to section 109.85 of the Revised 46303  
Code. 46304

Nursing facility or intermediate care facility for the 46305  
mentally retarded providers whose agreements are terminated 46306  
pursuant to this section may continue to receive reimbursement for 46307  
up to thirty days after the effective date of the termination if 46308  
the provider makes reasonable efforts to transfer recipients to 46309  
another facility or to alternate care and if federal funds are 46310  
provided for such reimbursement. 46311

(D) For any reason permitted or required by federal law, the 46312  
director of job and family services may deny a provider agreement 46313  
or terminate a provider agreement. 46314

For any reason permitted or required by federal law, the 46315  
director may exclude an individual, provider of services or goods, 46316  
or other entity from participation in the medicaid program. No 46317  
individual, provider, or entity excluded under this division shall 46318  
own or provide services to any other medicaid provider or risk 46319  
contractor or arrange for, render, or order services for medicaid 46320  
recipients during the period of exclusion, nor, during the period 46321  
of exclusion, shall such individual, provider, or entity receive 46322  
reimbursement in the form of direct payments from the department 46323  
or indirect payments of medicaid funds in the form of salary, 46324  
shared fees, contracts, kickbacks, or rebates from or through any 46325  
participating provider or risk contractor. An excluded individual, 46326  
provider, or entity may request a reconsideration of the 46327  
exclusion. The director shall adopt rules in accordance with 46328  
Chapter 119. of the Revised Code governing the process for 46329  
requesting a reconsideration. 46330

Nothing in this division limits the applicability of section 46331  
5111.06 of the Revised Code to a medicaid provider. 46332

(E) Any provider of services or goods contracting with the 46333  
department of job and family services pursuant to Title XIX of the 46334  
"Social Security Act," who, without intent, obtains payments under 46335  
this chapter in excess of the amount to which the provider is 46336  
entitled, thereby becomes liable for payment of interest on the 46337  
amount of the excess payments at the maximum real estate mortgage 46338  
rate on the date the payment was made to the provider for the 46339  
period from the date upon which payment was made to the date upon 46340  
which repayment is made to the state. 46341

~~(E)~~(F) The attorney general on behalf of the state may 46342  
commence proceedings to enforce this section in any court of 46343

competent jurisdiction; and the attorney general may settle or 46344  
compromise any case brought under this section with the approval 46345  
of the department of job and family services. Notwithstanding any 46346  
other provision of law providing a shorter period of limitations, 46347  
the attorney general may commence a proceeding to enforce this 46348  
section at any time within six years after the conduct in 46349  
violation of this section terminates. 46350

~~(F)~~(G) The authority, under state and federal law, of the 46351  
department of job and family services or a county department of 46352  
job and family services to recover excess payments made to a 46353  
provider is not limited by the availability of remedies under 46354  
sections 5111.11 and 5111.12 of the Revised Code for recovering 46355  
benefits paid on behalf of recipients of medical assistance. 46356

The penalties under this chapter apply to any overpayment, 46357  
billing, or falsification occurring on and after April 24, 1978. 46358  
All moneys collected by the state pursuant to this section shall 46359  
be deposited in the state treasury to the credit of the general 46360  
revenue fund. 46361

**Sec. 5111.031.** (A) As used in this section: 46362

(1) "Independent provider" has the same meaning as in section 46363  
5111.034 of the Revised Code. 46364

(2) "Intermediate care facility for the mentally retarded" 46365  
and "nursing facility" have the same meanings as in section 46366  
5111.20 of the Revised Code. 46367

(3) "Noninstitutional medicaid provider" means any person or 46368  
entity with a medicaid provider agreement other than a hospital, 46369  
nursing facility, or intermediate care facility for the mentally 46370  
retarded. 46371

(4) "Owner" means any person having at least five per cent 46372  
ownership in a noninstitutional medicaid provider. 46373

(B) Notwithstanding any provision of this chapter to the contrary, the department of job and family services shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee. 46374  
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(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. 46379  
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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. 46390  
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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 46400  
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agent, associate, manager, or employee shall not receive 46406  
reimbursement in the form of direct payments from the department 46407  
or indirect payments of medicaid funds in the form of salary, 46408  
shared fees, contracts, kickbacks, or rebates from or through any 46409  
participating provider or risk contractor. 46410

(D)(1) The department shall not suspend a provider agreement 46411  
or terminate medicaid reimbursement under division (C) of this 46412  
section if the provider or owner can demonstrate that the provider 46413  
or owner did not directly or indirectly sanction the action of its 46414  
authorized agent, associate, manager, or employee that resulted in 46415  
the indictment. 46416

(2) The termination of medicaid reimbursement applies only to 46417  
payments for medicaid services rendered subsequent to the date on 46418  
which the notice required under division (F) of this section is 46419  
sent. Claims for reimbursement for medicaid services rendered by 46420  
the provider prior to the issuance of the notice may be subject to 46421  
prepayment review procedures whereby the department reviews claims 46422  
to determine whether they are supported by sufficient 46423  
documentation, are in compliance with state and federal statutes 46424  
and rules, and are otherwise complete. 46425

(E)(1) In the case of a noninstitutional medicaid provider 46426  
that is not an independent provider, the suspension of a provider 46427  
agreement under division (C) of this section applies when an 46428  
indictment charges a person with committing an act that would be a 46429  
felony or misdemeanor under the laws of this state and the act 46430  
relates to or results from either of the following: 46431

(a) Furnishing or billing for medical care, services, or 46432  
supplies under the medicaid program; 46433

(b) Participating in the performance of management or 46434  
administrative services relating to furnishing medical care, 46435  
services, or supplies under the medicaid program. 46436

(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 the Revised Code. 46437  
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(F) Not later than five days after suspending a provider agreement under division (C) of this section, the department shall send notice of the suspension to the affected provider or owner. In providing the notice, the department shall do all of the following: 46443  
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(1) Describe the indictment that was the cause of the suspension, without necessarily disclosing specific information concerning any ongoing civil or criminal investigation; 46448  
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(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through conviction, dismissal of the indictment, plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded; 46451  
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(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section. 46457  
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(G)(1) A noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code. 46461  
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(2) In requesting a reconsideration, the provider or owner 46467

shall submit written information and documents to the department. 46468  
The information and documents may pertain to any of the following 46469  
issues: 46470

(a) Whether the determination to suspend the provider 46471  
agreement was based on a mistake of fact, other than the validity 46472  
of the indictment; 46473

(b) Whether any offense charged in the indictment resulted 46474  
from an offense specified in division (E) of this section; 46475

(c) Whether the provider or owner can demonstrate that the 46476  
provider or owner did not directly or indirectly sanction the 46477  
action of its authorized agent, associate, manager, or employee 46478  
that resulted in the indictment. 46479

(3) The department shall review the information and documents 46480  
submitted in a request for reconsideration. After the review, the 46481  
suspension may be affirmed, reversed, or modified, in whole or in 46482  
part. The department shall notify the affected provider or owner 46483  
of the results of the review. The review and notification of its 46484  
results shall be completed not later than forty-five days after 46485  
receiving the information and documents submitted in a request for 46486  
reconsideration. 46487

(H) The department may adopt rules in accordance with Chapter 46488  
119. of the Revised Code to implement this section. The rules may 46489  
specify circumstances under which the department would not suspend 46490  
a provider agreement pursuant to this section. 46491

**Sec. 5111.032. (A) As used in this section:** 46492

(1) "Criminal records check" has the same meaning as in 46493  
section 109.572 of the Revised Code. 46494

(2) "Department" includes a designee of the department of job 46495  
and family services. 46496

(3) "Owner" means a person who has an ownership interest in a 46497

provider in an amount designated by the department of job and family services in rules adopted under this section. 46498  
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(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 46500  
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted. 46504  
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(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code. 46517  
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(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or 46521  
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prospective officers, or board members or prospective board 46530  
members are subject to the criminal records check requirement. 46531

(2) At times designated in rules adopted under this section, 46532  
a provider that is subject to the criminal records check 46533  
requirement shall inform each person specified by the department 46534  
under division (C)(1) of this section that the person is required, 46535  
as applicable, to submit to a criminal records check for final 46536  
consideration for employment in a full-time, part-time, or 46537  
temporary position; as a condition of continued employment; or as 46538  
a condition of becoming or continuing to be an officer, board 46539  
member or owner of a provider. 46540

(D)(1) If a provider or applicant to be a provider is subject 46541  
to a criminal records check under this section, the department 46542  
shall require the conduct of a criminal records check by the 46543  
superintendent of the bureau of criminal identification and 46544  
investigation. If a provider or applicant to be a provider for 46545  
whom a criminal records check is required does not present proof 46546  
of having been a resident of this state for the five-year period 46547  
immediately prior to the date the criminal records check is 46548  
requested or provide evidence that within that five-year period 46549  
the superintendent has requested information about the individual 46550  
from the federal bureau of investigation in a criminal records 46551  
check, the department shall require the provider or applicant to 46552  
request that the superintendent obtain information from the 46553  
federal bureau of investigation as part of the criminal records 46554  
check of the provider or applicant. Even if a provider or 46555  
applicant for whom a criminal records check request is required 46556  
presents proof of having been a resident of this state for the 46557  
five-year period, the department may require that the provider or 46558  
applicant request that the superintendent obtain information from 46559  
the federal bureau of investigation and include it in the criminal 46560  
records check of the provider or applicant. 46561

(2) A provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified by the department under division (C)(1) of this section. If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows:

(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section.

(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider

shall pay all fees associated with obtaining the criminal records check. 46594  
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The provider or applicant shall instruct the superintendent to submit the report of the criminal records check directly to the director of job and family services. 46596  
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(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows: 46601  
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 46604  
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(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check. 46610  
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department. 46616  
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(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as 46622  
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applicable, terminate the provider agreement or deny the 46625  
application to be a provider. 46626

If a person is given the information specified in division 46627  
(E)(2)(a) of this section but fails to obtain a criminal records 46628  
check, the provider shall not, as applicable, permit the person to 46629  
be an employee, owner, officer, or board member of the provider. 46630

(G) Except as provided in rules adopted under division (J) of 46631  
this section, the department shall terminate the provider 46632  
agreement of a provider or the department shall not issue a 46633  
provider agreement to an applicant if the provider or applicant is 46634  
subject to a criminal records check under this section and the 46635  
provider or applicant has been convicted of, has pleaded guilty 46636  
to, or has been found eligible for intervention in lieu of 46637  
conviction for any of the following: 46638

(1) A violation of section 2903.01, 2903.02, 2903.03, 46639  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 46640  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 46641  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 46642  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 46643  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 46644  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 46645  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 46646  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 46647  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 46648  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 46649  
3716.11 of the Revised Code, felonious sexual penetration in 46650  
violation of former section 2907.12 of the Revised Code, a 46651  
violation of section 2905.04 of the Revised Code as it existed 46652  
prior to July 1, 1996, a violation of section 2919.23 of the 46653  
Revised Code that would have been a violation of section 2905.04 46654  
of the Revised Code as it existed prior to July 1, 1996, had the 46655  
violation been committed prior to that date; 46656



(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (D)(1) of this section. 46657  
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(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is subject to a criminal records check under this section and 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. 46660  
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(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program. 46668  
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(2)(a) A provider may employ conditionally a person for whom a criminal records check is required under this section prior to obtaining the results of a criminal records check regarding the person, but only if the person submits a request for a criminal records check not later than five business days after the individual begins conditional employment. 46672  
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(b) A provider that employs a person conditionally under authority of division (H)(2)(a) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual 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 provider shall terminate the person's employment unless the provider chooses to employ the individual 46678  
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pursuant to division (J) of this section. 46689

(I) The report of a criminal records check conducted pursuant 46690  
to this section is not a public record for the purposes of section 46691  
149.43 of the Revised Code and shall not be made available to any 46692  
person other than the following: 46693

(1) The person who is the subject of the criminal records 46694  
check or the person's representative; 46695

(2) The director of job and family services and the staff of 46696  
the department in the administration of the medicaid program; 46697

(3) A court, hearing officer, or other necessary individual 46698  
involved in a case dealing with the denial or termination of a 46699  
provider agreement; 46700

(4) A court, hearing officer, or other necessary individual 46701  
involved in a case dealing with a person's denial of employment, 46702  
termination of employment, or employment or unemployment benefits. 46703

(J) The department may adopt rules in accordance with Chapter 46704  
119. of the Revised Code to implement this section. The rules may 46705  
specify circumstances under which the department may continue a 46706  
provider agreement or issue a provider agreement to an applicant 46707  
when the provider or applicant has been convicted of, has pleaded 46708  
guilty to, or has been found eligible for intervention in lieu of 46709  
conviction for any of the offenses specified in division (G)(1) or 46710  
(2) of this section. The rules may also specify circumstances 46711  
under which a provider may permit a person to be an employee, 46712  
owner, officer, or board member of the provider, when the person 46713  
has been convicted of, has pleaded guilty to, or has been found 46714  
eligible for intervention in lieu of conviction for any of the 46715  
offenses specified in division (G)(1) or (2) of this section. 46716

**Sec. ~~5111.95~~ 5111.033.** (A) As used in this section: 46717

(1) "Applicant" means a person who is under final 46718

consideration for employment or, after ~~the effective date of this~~ 46719  
~~section~~ September 26, 2003, an existing employee with a waiver 46720  
agency in a full-time, part-time, or temporary position that 46721  
involves providing home and community-based waiver services to a 46722  
person with disabilities. "Applicant" also means an existing 46723  
employee with a waiver agency in a full-time, part-time, or 46724  
temporary position that involves providing home and 46725  
community-based waiver services to a person with disabilities 46726  
after ~~the effective date of this section~~ September 26, 2003. 46727

(2) "Criminal records check" has the same meaning as in 46728  
section 109.572 of the Revised Code. 46729

(3) "Waiver agency" means a person or government entity that 46730  
is not certified under the medicare program and is accredited by 46731  
the community health accreditation program or the joint commission 46732  
on accreditation of health care organizations or a company that 46733  
provides home and community-based waiver services to persons with 46734  
disabilities through department of job and family services 46735  
administered home and community-based waiver programs. 46736

(4) "Home and community-based waiver services" means services 46737  
furnished under the provision of 42 C.F.R. 441, subpart G, that 46738  
permit individuals to live in a home setting rather than a nursing 46739  
facility or hospital. Home and community-based waiver services are 46740  
approved by the centers for medicare and medicaid for specific 46741  
populations and are not otherwise available under the medicaid 46742  
state plan. 46743

(B)(1) The chief administrator of a waiver agency shall 46744  
require each applicant to request that the superintendent of the 46745  
bureau of criminal identification and investigation conduct a 46746  
criminal records check with respect to ~~each~~ the applicant. If an 46747  
applicant for whom a criminal records check request is required 46748  
under this division does not present proof of having been a 46749  
resident of this state for the five-year period immediately prior 46750

to the date the criminal records check is requested or provide 46751  
evidence that within that five-year period the superintendent has 46752  
requested information about the applicant from the federal bureau 46753  
of investigation in a criminal records check, the chief 46754  
administrator shall require the applicant to request that the 46755  
superintendent obtain information from the federal bureau of 46756  
investigation as part of the criminal records check of the 46757  
applicant. Even if an applicant for whom a criminal records check 46758  
request is required under this division presents proof of having 46759  
been a resident of this state for the five-year period, the chief 46760  
administrator may require the applicant to request that the 46761  
superintendent include information from the federal bureau of 46762  
investigation in the criminal records check. 46763

~~(2) A person required by division (B)(1) of this section to~~ 46764  
~~request a criminal records check. The chief administrator shall~~ 46765  
~~both of~~ provide the following: 46766

~~(a) Provide~~ to each applicant for whom a criminal records 46767  
check request is required under division (B)(1) of this section a 46768  
~~copy of:~~ 46769

(a) Information about accessing, completing, and forwarding 46770  
to the superintendent of the bureau of criminal identification and 46771  
investigation the form prescribed pursuant to division (C)(1) of 46772  
section 109.572 of the Revised Code and ~~a~~ the standard fingerprint 46773  
impression sheet prescribed pursuant to division (C)(2) of that 46774  
section, ~~and obtain the completed form and impression sheet from~~ 46775  
~~the applicant;~~ 46776

~~(b) Forward the completed form and impression sheet to the~~ 46777  
~~superintendent of the bureau of criminal identification and~~ 46778  
~~investigation. Written notification that the applicant is to~~ 46779  
instruct the superintendent to submit the completed report of the 46780  
criminal records check directly to the chief administrator. 46781

(3) An applicant ~~provided the form and fingerprint impression~~ 46782  
~~sheet under division (B)(2)(a) of this section who fails to~~ 46783  
~~complete the form or provide fingerprint impressions given~~ 46784  
information and notification under divisions (B)(2)(a) and (b) of 46785  
this section who fails to access, complete, and forward to the 46786  
superintendent the form or the standard fingerprint impression 46787  
sheet, or who fails to instruct the superintendent to submit the 46788  
completed report of the criminal records check directly to the 46789  
chief administrator, shall not be employed in any position in a 46790  
waiver agency for which a criminal records check is required by 46791  
this section. 46792

(C)(1) Except as provided in rules adopted by the department 46793  
of job and family services in accordance with division (F) of this 46794  
section and subject to division (C)(2) of this section, no waiver 46795  
agency shall employ a person in a position that involves providing 46796  
home and community-based waiver services to persons with 46797  
disabilities if the person has been convicted of ~~or~~, has pleaded 46798  
guilty to, or has been found eligible for intervention in lieu of 46799  
conviction for any of the following: 46800

(a) A violation of section 2903.01, 2903.02, 2903.03, 46801  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 46802  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 46803  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 46804  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 46805  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 46806  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 46807  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 46808  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 46809  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 46810  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 46811  
3716.11 of the Revised Code, felonious sexual penetration in 46812  
violation of former section 2907.12 of the Revised Code, a 46813

violation of section 2905.04 of the Revised Code as it existed 46814  
prior to July 1, 1996, a violation of section 2919.23 of the 46815  
Revised Code that would have been a violation of section 2905.04 46816  
of the Revised Code as it existed prior to July 1, 1996, had the 46817  
violation been committed prior to that date; 46818

(b) An existing or former law of this state, any other state, 46819  
or the United States that is substantially equivalent to any of 46820  
the offenses listed in division (C)(1)(a) of this section. 46821

(2)(a) A waiver agency may employ conditionally an applicant 46822  
for whom a criminal records check request is required under 46823  
division (B) of this section prior to obtaining the results of a 46824  
criminal records check regarding the individual, provided that the 46825  
agency shall require the individual to request a criminal records 46826  
check regarding the individual in accordance with division (B)(1) 46827  
of this section not later than five business days after the 46828  
individual begins conditional employment. 46829

(b) A waiver agency that employs an individual conditionally 46830  
under authority of division (C)(2)(a) of this section shall 46831  
terminate the individual's employment if the results of the 46832  
criminal records check request under division (B) of this section, 46833  
other than the results of any request for information from the 46834  
federal bureau of investigation, are not obtained within the 46835  
period ending sixty days after the date the request is made. 46836  
Regardless of when the results of the criminal records check are 46837  
obtained, if the results indicate that the individual has been 46838  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 46839  
for intervention in lieu of conviction for any of the offenses 46840  
listed or described in division (C)(1) of this section, the agency 46841  
shall terminate the individual's employment unless the agency 46842  
chooses to employ the individual pursuant to division (F) of this 46843  
section. 46844

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 46845

~~identification and investigation the~~ The fee prescribed pursuant 46846  
to division (C)(3) of section 109.572 of the Revised Code for each 46847  
criminal records check conducted pursuant to a request made under 46848  
division (B) of this section shall be paid to the bureau of 46849  
criminal identification and investigation by the applicant or the 46850  
waiver agency. 46851

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 46852  
applicant a fee not exceeding the amount the agency pays under 46853  
division (D)(1) of this section. An agency may collect a fee only 46854  
if the agency notifies the person at the time of initial 46855  
application for employment of the amount of the fee and that, 46856  
unless the fee is paid, the person will not be considered for 46857  
employment. 46858

(E) The report of any criminal records check conducted 46859  
pursuant to a request made under this section is not a public 46860  
record for the purposes of section 149.43 of the Revised Code and 46861  
shall not be made available to any person other than the 46862  
following: 46863

(1) The individual who is the subject of the criminal records 46864  
check or the individual's representative; 46865

(2) The chief administrator of the agency requesting the 46866  
criminal records check or the administrator's representative; 46867

(3) An administrator at the department; 46868

(4) A court, hearing officer, or other necessary individual 46869  
involved in a case dealing with a denial of employment of the 46870  
applicant or dealing with employment or unemployment benefits of 46871  
the applicant. 46872

(F) The department shall adopt rules in accordance with 46873  
Chapter 119. of the Revised Code to implement this section. The 46874  
rules shall specify circumstances under which a waiver agency may 46875  
employ a person who has been convicted of ~~or~~, has pleaded guilty 46876

to, or has been found eligible for intervention in lieu of 46877  
conviction for an offense listed or described in division (C)(1) 46878  
of this section ~~but meets personal character standards set by the~~ 46879  
~~department.~~ 46880

(G) The chief administrator of a waiver agency shall inform 46881  
each person, at the time of initial application for a position 46882  
that involves providing home and community-based waiver services 46883  
to a person with a disability, that the person is required to 46884  
provide a set of fingerprint impressions and that a criminal 46885  
records check is required to be conducted if the person comes 46886  
under final consideration for employment. 46887

(H)(1) A person who, ~~on the effective date of this section~~ 46888  
September 26, 2003, is an employee of a waiver agency in a 46889  
full-time, part-time, or temporary position that involves 46890  
providing home and community-based waiver services to a person 46891  
with disabilities shall comply with this section within sixty days 46892  
after ~~the effective date of this section~~ September 26, 2003, 46893  
unless division (H)(2) of this section applies. 46894

(2) This section shall not apply to a person to whom all of 46895  
the following apply: 46896

(a) ~~On the effective date of this section~~ September 26, 2003, 46897  
the person is an employee of a waiver agency in a full-time, 46898  
part-time, or temporary position that involves providing home and 46899  
community-based waiver services to a person with disabilities. 46900

(b) The person previously had been the subject of a criminal 46901  
background check relating to that position; 46902

(c) The person has been continuously employed in that 46903  
position since that criminal background check had been conducted. 46904

**Sec. ~~5111.96~~ 5111.034.** (A) As used in this section: 46905

(1) "Anniversary date" means the later of the effective date 46906



of the provider agreement relating to the independent provider or 46907  
sixty days after ~~the effective date of this section~~ September 26, 46908  
2003. 46909

(2) "Criminal records check" has the same meaning as in 46910  
section 109.572 of the Revised Code. 46911

(3) "~~The department~~ Department" ~~means~~ includes a designee of 46912  
the department of job and family services ~~or its designee.~~ 46913

(4) "Independent provider" means a person who is submitting 46914  
an application for a provider agreement or who has a provider 46915  
agreement as an independent provider in a department of job and 46916  
family services administered home and community-based services 46917  
program providing home and community-based waiver services to 46918  
consumers with disabilities. 46919

(5) "Home and community-based waiver services" has the same 46920  
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 46921

(B)(1) The department of job and family services shall inform 46922  
each independent provider, at the time of initial application for 46923  
a provider agreement that involves providing home and 46924  
community-based waiver services to consumers with disabilities, 46925  
that the independent provider is required to provide a set of 46926  
fingerprint impressions and that a criminal records check is 46927  
required to be conducted if the person is to become an independent 46928  
provider in a department administered home and community-based 46929  
waiver program. 46930

(2) Beginning on ~~the effective date of this section~~ September 46931  
26, 2003, the department shall inform each enrolled medicaid 46932  
independent provider on or before time of the anniversary date of 46933  
the provider agreement that involves providing home and 46934  
community-based waiver services to consumers with disabilities 46935  
that the independent provider is required to provide a set of 46936  
fingerprint impressions and that a criminal records check is 46937

required to be conducted. 46938

(C)(1) The department shall require the independent provider 46939  
to complete a criminal records check prior to entering into a 46940  
provider agreement with the independent provider and at least 46941  
annually thereafter. If an independent provider for whom a 46942  
criminal records check is required under this division does not 46943  
present proof of having been a resident of this state for the 46944  
five-year period immediately prior to the date the criminal 46945  
records check is requested or provide evidence that within that 46946  
five-year period the superintendent of the bureau of criminal 46947  
identification and investigation has requested information about 46948  
the ~~applicant~~ independent provider from the federal bureau of 46949  
investigation in a criminal records check, the department shall 46950  
request that the independent provider obtain through the 46951  
superintendent a criminal records request from the federal bureau 46952  
of investigation as part of the criminal records check of the 46953  
independent provider. Even if an independent provider for whom a 46954  
criminal records check request is required under this division 46955  
presents proof of having been a resident of this state for the 46956  
five-year period, the department may request that the independent 46957  
provider obtain information through the superintendent from the 46958  
federal bureau of investigation in the criminal records check. 46959

(2) The department shall ~~do both of~~ provide the following+ 46960

~~(a) Provide information~~ to each independent provider for whom 46961  
a criminal records check request is required under division (C)(1) 46962  
of this section ~~about requesting a copy of:~~ 46963

(a) Information about accessing, completing, and forwarding 46964  
to the superintendent of the bureau of criminal identification and 46965  
investigation the form prescribed pursuant to division (C)(1) of 46966  
section 109.572 of the Revised Code and a the standard fingerprint 46967  
impression sheet prescribed pursuant to division (C)(2) of that 46968  
section, ~~and obtain the completed form and impression sheet and~~ 46969

~~fee from the independent provider;~~ 46970

~~(b) Forward the completed form, impression sheet, and fee to~~ 46971  
~~the superintendent of the bureau of criminal identification and~~ 46972  
~~investigation~~ Written notification that the independent provider 46973  
is to instruct the superintendent to submit the completed report 46974  
of the criminal records check directly to the department. 46975

(3) An independent provider given information ~~about obtaining~~ 46976  
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 46977  
~~of this section who fails to complete the form or provide~~ 46978  
~~fingerprint impressions and notification under divisions (C)(2)(a)~~ 46979  
~~and (b) of this section who fails to access, complete, and forward~~ 46980  
~~to the superintendent the form or the standard fingerprint~~ 46981  
~~impression sheet, or who fails to instruct the superintendent to~~ 46982  
~~submit the completed report of the criminal records check directly~~ 46983  
~~to the department,~~ shall not be approved as an independent 46984  
provider. 46985

(D) Except as provided in rules adopted by the department in 46986  
accordance with division (G) of this section, the department shall 46987  
not issue a new provider agreement to, and shall terminate an 46988  
existing provider agreement of, an independent provider if the 46989  
person has been convicted of ~~or~~, has pleaded guilty to, or has 46990  
been found eligible for intervention in lieu of conviction for any 46991  
of the following: 46992

(1) A violation of section 2903.01, 2903.02, 2903.03, 46993  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 46994  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 46995  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 46996  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 46997  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 46998  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 46999  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 47000  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 47001

2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 47002  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 47003  
3716.11 of the Revised Code, felonious sexual penetration in 47004  
violation of former section 2907.12 of the Revised Code, a 47005  
violation of section 2905.04 of the Revised Code as it existed 47006  
prior to July 1, 1996, a violation of section 2919.23 of the 47007  
Revised Code that would have been a violation of section 2905.04 47008  
of the Revised Code as it existed prior to July 1, 1996, had the 47009  
violation been committed prior to that date; 47010

(2) An existing or former law of this state, any other state, 47011  
or the United States that is substantially equivalent to any of 47012  
the offenses listed in division (D)(1) of this section. 47013

(E) Each independent provider shall pay to the bureau of 47014  
criminal identification and investigation the fee prescribed 47015  
pursuant to division (C)(3) of section 109.572 of the Revised Code 47016  
for each criminal records check conducted pursuant to a request 47017  
made under division (C) of this section. 47018

(F) The report of any criminal records check conducted by the 47019  
bureau of criminal identification and investigation in accordance 47020  
with section 109.572 of the Revised Code and pursuant to a request 47021  
made under division (C) of this section is not a public record for 47022  
the purposes of section 149.43 of the Revised Code and shall not 47023  
be made available to any person other than the following: 47024

(1) The person who is the subject of the criminal records 47025  
check or the person's representative; 47026

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 47027  
~~the criminal records check~~ or the administrator's representative; 47028

(3) ~~Any A~~ court, hearing officer, or other necessary 47029  
individual involved in a case dealing with a denial or termination 47030  
of a provider agreement related to the criminal records check. 47031

(G) The department shall adopt rules in accordance with 47032

Chapter 119. of the Revised Code to implement this section. The 47033  
rules shall specify circumstances under which the department may 47034  
either issue a provider agreement to an independent provider ~~who~~ 47035  
or allow an independent provider to maintain an existing provider 47036  
agreement when the independent provider has been convicted of ~~or,~~ 47037  
has pleaded guilty to, or has been found eligible for intervention 47038  
in lieu of conviction for an offense listed or described in 47039  
division (C)(1) of this section ~~but meets personal character~~ 47040  
~~standards set by the department.~~ 47041

**Sec. 5111.06.** (A)(1) As used in this section and in sections 47042  
5111.061 and 5111.062 of the Revised Code: 47043

(a) "Provider" means any person, institution, or entity that 47044  
furnishes medicaid services under a provider agreement with the 47045  
department of job and family services pursuant to Title XIX of the 47046  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 47047  
amended. 47048

(b) "Party" has the same meaning as in division (G) of 47049  
section 119.01 of the Revised Code. 47050

(c) "Adjudication" has the same meaning as in division (D) of 47051  
section 119.01 of the Revised Code. 47052

(2) This section does not apply to any action taken by the 47053  
department of job and family services under sections 5111.35 to 47054  
5111.62 of the Revised Code. 47055

(B) Except as provided in division (D) of this section and 47056  
section 5111.914 of the Revised Code, the department shall do 47057  
either of the following by issuing an order pursuant to an 47058  
adjudication conducted in accordance with Chapter 119. of the 47059  
Revised Code: 47060

(1) Enter into or refuse to enter into a provider agreement 47061  
with a provider, or suspend, terminate, renew, or refuse to renew 47062

an existing provider agreement with a provider; 47063

(2) Take any action based upon a final fiscal audit of a 47064  
provider. 47065

(C) Any party who is adversely affected by the issuance of an 47066  
adjudication order under division (B) of this section may appeal 47067  
to the court of common pleas of Franklin county in accordance with 47068  
section 119.12 of the Revised Code. 47069

(D) The department is not required to comply with division 47070  
(B)(1) of this section whenever any of the following occur: 47071

(1) The terms of a provider agreement require the provider to 47072  
~~have~~ hold a license, permit, or certificate or maintain a 47073  
certification issued by an official, board, commission, 47074  
department, division, bureau, or other agency of state or federal 47075  
government other than the department of job and family services, 47076  
and the license, permit, ~~or~~ certificate, or certification has been 47077  
denied ~~or~~, revoked, not renewed, suspended, or otherwise limited. 47078

(2) The terms of a provider agreement require the provider to 47079  
hold a license, permit, or certificate or maintain certification 47080  
issued by an official, board, commission, department, division, 47081  
bureau, or other agency of state or federal government other than 47082  
the department of job and family services, and the provider has 47083  
not obtained the license, permit, certificate, or certification. 47084

(3) The provider agreement is denied, terminated, or not 47085  
renewed due to the termination, refusal to renew, or denial of a 47086  
license, permit, certificate, or certification by an official, 47087  
board, commission, department, division, bureau, or other agency 47088  
of this state other than the department of job and family 47089  
services, notwithstanding the fact that the provider may hold a 47090  
license, permit, certificate, or certification from an official, 47091  
board, commission, department, division, bureau, or other agency 47092  
of another state. 47093

~~(2)~~(4) The provider agreement is denied, terminated, or not renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of the Revised Code; 47094  
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~~(3)~~(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program; 47097  
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~~(4)~~(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program; 47103  
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~~(5)~~(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program; 47107  
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~~(6)~~(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider. 47111  
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(9) The provider agreement is denied, terminated, or not renewed because the provider has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code. 47114  
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(10) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code. 47118  
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(11) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a 47123  
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medicaid claim to the department for two years or longer, and the 47125  
department has determined that the provider has moved from the 47126  
address on record with the department without leaving an active 47127  
forwarding address with the department. 47128

In the case of a provider described in division (D)~~(6)~~(11) of 47129  
this section, the department may terminate or not renew the 47130  
provider agreement by sending a notice explaining the department's 47131  
proposed action to the address on record with the department. The 47132  
notice may be sent by regular mail. 47133

(E) The department may withhold payments for services 47134  
rendered by a medicaid provider under the medical assistance 47135  
program during the pendency of proceedings initiated under 47136  
division (B)(1) of this section. If the proceedings are initiated 47137  
under division (B)(2) of this section, the department may withhold 47138  
payments only to the extent that they equal amounts determined in 47139  
a final fiscal audit as being due the state. This division does 47140  
not apply if the department fails to comply with section 119.07 of 47141  
the Revised Code, requests a continuance of the hearing, or does 47142  
not issue a decision within thirty days after the hearing is 47143  
completed. This division does not apply to nursing facilities and 47144  
intermediate care facilities for the mentally retarded as defined 47145  
in section 5111.20 of the Revised Code. 47146

**Sec. 5111.084.** There is hereby established the pharmacy and 47147  
therapeutics committee of the department of job and family 47148  
services. The committee shall consist of nine members and shall be 47149  
appointed by the director of job and family services. The 47150  
membership of the committee shall include: three pharmacists 47151  
licensed under Chapter 4729. of the Revised Code; two doctors of 47152  
medicine and two doctors of osteopathy licensed under Chapter 47153  
4731. of the Revised Code; a registered nurse licensed under 47154  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 47155



doctoral degree. At least one of the members who is a doctor of 47156  
medicine or doctor of osteopathy shall be a psychiatrist. The 47157  
committee shall elect one of its members as chairperson. 47158

Sec. 5111.085. (A) As used in this section, "mental health 47159  
drug" means a drug that meets one of the following requirements: 47160

(1) Is classified as an antianxiety, antidepressant, 47161  
anticonvulsant, or antipsychotic central nervous system drug in 47162  
the most recent edition of one of the following publications: 47163

(a) The American psychiatric press textbook of 47164  
psychopharmacology; 47165

(b) Current clinical strategies for psychiatry; 47166

(c) Drug facts and comparisons; 47167

(d) A publication with a focus and content comparable to the 47168  
publications described in divisions (A)(1)(a) to (c) of this 47169  
section as determined by the director of job and family services. 47170

(2) Is classified in one of the publications described in 47171  
division (A)(1) of this section as a central nervous system drug 47172  
in a category or classification that is created after the 47173  
effective date of this section; 47174

(3) Is classified in one of the publications described in 47175  
division (A)(1) of this section as a cross-indicated drug for any 47176  
of the central nervous system drugs specified in division (A)(1) 47177  
or (2) of this section because the drug's use in that capacity is 47178  
generally held to be reasonable, appropriate, and within the 47179  
community standards of care even though the use is not included in 47180  
the United States food and drug administration's approved labeling 47181  
for the drug; 47182

(4) Is recommended for the treatment of a mental illness or 47183  
mental disorder, as those terms are defined in the most recent 47184  
edition of the American psychiatric association's diagnostic and 47185

statistical manual of mental disorders. 47186

(B) The only mental health drugs that may be subjected to a 47187  
prior authorization requirement, preferred drug list, or generic 47188  
substitution requirement under the medicaid program are mental 47189  
health drugs that are brand name and for which there are generic 47190  
equivalents. 47191

**Sec. 5111.10.** The director of job and family services may 47192  
conduct reviews of the medicaid program. The reviews may include 47193  
physical inspections of records and sites where medicaid-funded 47194  
services are provided and interviews of providers and recipients 47195  
of the services. If the director determines pursuant to a review 47196  
that a person or government entity has violated a rule governing 47197  
the medicaid program, the director may establish a corrective 47198  
action plan for the violator and impose fiscal, administrative, or 47199  
both types of sanctions on the violator in accordance with rules 47200  
governing the medicaid program. ~~Such action to be taken against a~~ 47201  
~~responsible entity, as defined in section 5101.24 of the Revised~~ 47202  
~~Code, shall be taken in accordance with that section.~~ 47203

**Sec. 5111.101.** (A) As used in this section, ~~"federal";~~ 47204  
"Agent" and "contractor" include any agent, contractor, 47205  
subcontractor, or other person who, on behalf of an entity, 47206  
furnishes or authorizes the furnishing of health care items or 47207  
services under the medicaid program, performs billing or coding 47208  
functions, or is involved in monitoring of health care that an 47209  
entity provides. 47210

"Employee" includes any officer or employee (including 47211  
management employees) of an entity. 47212

"Entity" includes a governmental entity or an organization, 47213  
unit, corporation, partnership, or other business arrangement, 47214  
including any medicaid managed care organization, irrespective of 47215

the form of business structure or arrangement by which it exists, 47216  
whether for-profit or not-for-profit. "Entity" does not include a 47217  
government entity that administers one or more components of the 47218  
medicaid program, unless the government entity receives medicaid 47219  
payments for providing items or services. 47220

"Federal health care programs" has the same meaning as in 42 47221  
U.S.C. 1320a-7b(f). 47222

(B) Each ~~person and government~~ entity that receives or makes 47223  
~~medicaid in a federal fiscal year~~ payments ~~in a calendar year that~~ 47224  
~~total~~ under the medicaid program, either through the state 47225  
medicaid plan or a federal medicaid waiver, totaling at least five 47226  
million dollars ~~or more~~ shall, as a condition of receiving such 47227  
payments, do all of the following not later than the first day of 47228  
the succeeding calendar year: 47229

(1) ~~Provide each of the person or government entity's~~ 47230  
Establish written policies for all of the entity's employees 47231  
~~(including management employees), contractors, and agents, that~~ 47232  
provide detailed, ~~written~~ information about the role of all of the 47233  
following in preventing and detecting fraud, waste, and abuse in 47234  
federal health care programs: 47235

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 47236

(b) Federal administrative remedies for false claims and 47237  
statements available under 31 U.S.C. 3801 to 3812; 47238

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 47239  
Revised Code and any other state laws pertaining to civil or 47240  
criminal penalties for false claims and statements; 47241

(d) Whistleblower protections under the laws specified in 47242  
divisions (B)(1)(a) to (c) of this section. 47243

(2) Include in as part of the written ~~information provided~~ 47244  
~~under~~ policies required by division (B)(1) of this section 47245

detailed ~~information about~~ provisions regarding the ~~person or~~ 47246  
~~government~~ entity's policies and procedures for preventing and 47247  
detecting fraud, waste, and abuse. 47248

(3) ~~Include~~ Disseminate the written policies required by 47249  
division (B)(1) of this section to each of the entity's employees, 47250  
contractors, and agents in a paper or electronic form and make the 47251  
written policies readily available to the entity's employees, 47252  
contractors, and agents. 47253

(4) If the entity has an employee handbook, include in the 47254  
~~person or government entity's~~ employee handbook a specific 47255  
discussion of the laws specified in division (B)(1) of this 47256  
section, the rights of employees to be protected as 47257  
whistleblowers, and the ~~person or government~~ entity's policies and 47258  
procedures for preventing and detecting fraud, waste, and abuse. 47259

(5) Require the entity's contractors and agents to adopt the 47260  
entity's written policies required by division (B)(1) of this 47261  
section. 47262

(C) An entity that furnishes items or services at multiple 47263  
locations or under multiple contractual or other payment 47264  
arrangements is required to comply with division (B) of this 47265  
section if the entity receives in a federal fiscal year medicaid 47266  
payments totaling in the aggregate at least five million dollars. 47267  
This applies regardless of whether the entity submits claims for 47268  
medicaid payments using multiple provider identification or tax 47269  
identification numbers. 47270

Sec. 5111.102. As used in this section, "state agency" has 47271  
the same meaning as in section 9.23 of the Revised Code. 47272

No provision of Title LI of the Revised Code or any other law 47273  
of this state that incorporates any provision of federal Medicaid 47274  
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 47275

U.S.C. 1396, or that may be construed as requiring the state, a state agency, or any state official or employee to comply with that federal provision, shall be construed as creating a cause of action to enforce such state law beyond the causes of action available under federal law for enforcement of the provision of federal law.

**Sec. 5111.11.** (A) As used in this section and section 5111.111 of the Revised Code:

(1) "Estate" includes both of the following:

(a) All real and personal property and other assets to be administered under Title XXI of the Revised Code and property that would be administered under that title if not for section 2113.03 or 2113.031 of the Revised Code;

(b) Any other real and personal property and other assets in which an individual had any legal title or interest at the time of death (to the extent of the interest), including assets conveyed to a survivor, heir, or assign of the individual through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.

(2) "Institution" means a nursing facility, intermediate care facility for the mentally retarded, or a medical institution.

(3) "Intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.

(4) "Permanently institutionalized individual" means an individual to whom all of the following apply:

(a) Is an inpatient in an institution;

(b) Is required, as a condition of the medicaid program paying for the individual's services in the institution, to spend for costs of medical or nursing care all of the individual's

income except for an amount for personal needs specified by the 47306  
department of job and family services; 47307

(c) Cannot reasonably be expected to be discharged from the 47308  
institution and return home as determined by the department of job 47309  
and family services. 47310

(5) "Qualified state long-term care insurance partnership 47311  
program" means the program established under section 5111.18 of 47312  
the Revised Code. 47313

(6) "Time of death" shall not be construed to mean a time 47314  
after which a legal title or interest in real or personal property 47315  
or other asset may pass by survivorship or other operation of law 47316  
due to the death of the decedent or terminate by reason of the 47317  
decedent's death. 47318

(B) To the extent permitted by federal law, the department of 47319  
job and family services shall institute ~~an~~ a medicaid estate 47320  
recovery program under which the department shall, except as 47321  
provided in divisions (C), ~~(D)~~, and (E) of this section, and 47322  
subject to division (D) of this section, do ~~both~~ all of the 47323  
following: 47324

(1) For the costs of medicaid services the medicaid program 47325  
correctly paid or will pay on behalf of a permanently 47326  
institutionalized individual of any age, seek adjustment or 47327  
recovery from the individual's estate or on the sale of property 47328  
of the individual or spouse that is subject to a lien imposed 47329  
under section 5111.111 of the Revised Code; 47330

(2) For the costs of medicaid services the medicaid program 47331  
correctly paid or will pay on behalf of an individual fifty-five 47332  
years of age or older who is not a permanently institutionalized 47333  
individual, seek adjustment or recovery from the individual's 47334  
estate; 47335

(3) For the costs of nursing facility and other long-term 47336

care services the medicaid program correctly paid or will pay on 47337  
behalf of an individual who has received, or is entitled to 47338  
receive, benefits under a long-term care insurance policy in 47339  
connection with which assets or resources are disregarded to the 47340  
extent that payments are made under a long-term care insurance 47341  
policy or because an individual has received, or is entitled to 47342  
receive, benefits under a long-term care insurance policy, seek 47343  
adjustment or recovery from the individual's estate. 47344

(C)(1) No adjustment or recovery may be made under division 47345  
(B)(1) of this section from a permanently institutionalized 47346  
individual's estate or on the sale of property of a permanently 47347  
institutionalized individual that is subject to a lien imposed 47348  
under section 5111.111 of the Revised Code or under division 47349  
(B)(2) or (3) of this section from an individual's estate while 47350  
either of the following are alive: 47351

(a) The spouse of the permanently institutionalized 47352  
individual or individual; 47353

(b) The son or daughter of a permanently institutionalized 47354  
individual or individual if the son or daughter is under age 47355  
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 47356  
disabled. 47357

(2) No adjustment or recovery may be made under division 47358  
(B)(1) of this section from a permanently institutionalized 47359  
individual's home that is subject to a lien imposed under section 47360  
5111.111 of the Revised Code while either of the following 47361  
lawfully reside in the home: 47362

(a) The permanently institutionalized individual's sibling 47363  
who resided in the home for at least one year immediately before 47364  
the date of the permanently institutionalized individual's 47365  
admission to the institution and on a continuous basis since that 47366  
time; 47367

(b) The permanently institutionalized individual's son or daughter who provided care to the permanently institutionalized individual that delayed the permanently institutionalized individual's institutionalization and resided in the home for at least two years immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time. 47368  
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(D) In the case of a participant of the qualified state long-term care insurance partnership program, adjustment or recovery required by this section may be reduced in accordance with rules adopted under division (G) of this section. 47375  
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(E) The department shall, in accordance with procedures and criteria established in rules adopted under division (G) of this section, waive seeking an adjustment or recovery otherwise required by this section if the director of job and family services determines that adjustment or recovery would work an undue hardship. The department may limit the duration of the waiver to the period during which the undue hardship exists. 47379  
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(F) For the purpose of determining whether an individual meets the definition of "permanently institutionalized individual" established for this section, a rebuttable presumption exists that the individual cannot reasonably be expected to be discharged from an institution and return home if either of the following is the case: 47386  
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(1) The individual declares that he or she does not intend to return home. 47392  
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(2) The individual has been an inpatient in an institution for at least six months. 47394  
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(G) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the medicaid estate recovery program, including rules that do both of 47396  
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the following: 47399

(1) For the purpose of division (D) of this section and 47400  
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 47401  
adjustment or recovery in the case of a participant of the 47402  
qualified state long-term care insurance partnership program; 47403

(2) For the purpose of division (E) of this section and 47404  
consistent with the standards specified by the United States 47405  
secretary of health and human services under 42 U.S.C. 47406  
1396p(b)(3), establish procedures and criteria for waiving 47407  
adjustment or recovery due to an undue hardship. 47408

**Sec. 5111.112.** The department of job and family services 47409  
shall certify amounts due under the medicaid estate recovery 47410  
program instituted under section 5111.11 of the Revised Code to 47411  
the attorney general pursuant to section 131.02 of the Revised 47412  
Code. The attorney general may enter into a contract with any 47413  
person or government entity to collect the amounts due on behalf 47414  
of the attorney general. 47415

The attorney general, in entering into a contract under this 47416  
section, shall comply with all of the requirements that must be 47417  
met for the state to receive federal financial participation for 47418  
the costs incurred in entering into the contract and carrying out 47419  
actions under the contract. The contract may provide for the 47420  
person or government entity with which the attorney general 47421  
contracts to be compensated from the property recovered under the 47422  
medicaid estate recovery program or may provide for another manner 47423  
of compensation agreed to by the parties to the contract. 47424

Regardless of whether the attorney general collects the 47425  
amounts due under the medicaid estate recovery program or 47426  
contracts with a person or government entity to collect the 47427  
amounts due on behalf of the attorney general, the amounts due 47428  
shall be collected in accordance with applicable requirements of 47429

federal statutes and regulations and state statutes and rules. 47430

**Sec. 5111.113.** (A) As used in this section: 47431

(1) "Adult care facility" has the same meaning as in section 47432  
3722.01 of the Revised Code. 47433

(2) "Commissioner" means a person appointed by a probate 47434  
court under division (B) of section 2113.03 of the Revised Code to 47435  
act as a commissioner. 47436

(3) "Home" has the same meaning as in section 3721.10 of the 47437  
Revised Code. 47438

(4) "Personal needs allowance account" means an account or 47439  
petty cash fund that holds the money of a resident of an adult 47440  
care facility or home and that the facility or home manages for 47441  
the resident. 47442

(B) Except as provided in divisions (C) and (D) of this 47443  
section, the owner or operator of an adult care facility or home 47444  
shall transfer to the department of job and family services the 47445  
money in the personal needs allowance account of a resident of the 47446  
facility or home who was a recipient of the medical assistance 47447  
program no earlier than sixty days but not later than ninety days 47448  
after the resident dies. The adult care facility or home shall 47449  
transfer the money even though the owner or operator of the 47450  
facility or home has not been issued letters testamentary or 47451  
letters of administration concerning the resident's estate. 47452

(C) If funeral or burial expenses for a resident of an adult 47453  
care facility or home who has died have not been paid and the only 47454  
resource the resident had that could be used to pay for the 47455  
expenses is the money in the resident's personal needs allowance 47456  
account, or all other resources of the resident are inadequate to 47457  
pay the full cost of the expenses, the money in the resident's 47458  
personal needs allowance account shall be used to pay for the 47459

expenses rather than being transferred to the department of job and family services pursuant to division (B) of this section. 47460  
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(D) If, not later than sixty days after a resident of an adult care facility or home dies, letters testamentary or letters of administration are issued, or an application for release from administration is filed under section 2113.03 of the Revised Code, concerning the resident's estate, the owner or operator of the facility or home shall transfer the money in the resident's personal needs allowance account to the administrator, executor, commissioner, or person who filed the application for release from administration. 47462  
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(E) The transfer or use of money in a resident's personal needs allowance account in accordance with division (B), (C), or (D) of this section discharges and releases the adult care facility or home, and the owner or operator of the facility or home, from any claim for the money from any source. 47471  
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(F) If, sixty-one or more days after a resident of an adult care facility or home dies, letters testamentary or letters of administration are issued, or an application for release from administration under section 2113.03 of the Revised Code is filed, concerning the resident's estate, the department of job and family services shall transfer the funds to the administrator, executor, commissioner, or person who filed the application, unless the department is entitled to recover the money under the medicaid estate recovery program instituted under section 5111.11 of the Revised Code. 47476  
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**Sec. 5111.163.** (A) As used in this section: 47486

(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended. 47487  
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(2) "Medicaid managed care organization" has the same meaning as in section 5111.162 of the Revised Code. 47490  
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(3) "Provider" ~~has the same meaning as in section 5111.06 of the Revised Code~~ means any person, institution, or entity that furnishes emergency services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person, institution, or entity has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act." 47492  
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(B) When a participant in the care management system established under section 5111.16 of the Revised Code is enrolled in a medicaid managed care organization and receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the participant received medicaid other than through enrollment in a managed care organization. 47499  
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**Sec. 5111.17.** (A) The department of job and family services may enter into contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medical assistance recipients who are required or permitted to obtain health care services through managed care organizations as part of the care management system established under section 5111.16 of the Revised Code. 47509  
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(B) ~~The department shall develop and implement a financial incentive program to improve and reward positive health outcomes through the managed care organization contracts entered into under~~ 47518  
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~~this section. In developing and implementing the program, the department may take into consideration the recommendations regarding the program made by the medicaid care management working group created under section 5111.161 of the Revised Code (1) For purposes of making payments to health insuring corporations under contract pursuant to this section, the department shall develop, certify, and implement actuarially sound capitation rates, as defined in 42 C.F.R. 438.6. In taking these actions, the department shall comply with all applicable requirements of 42 C.F.R. 438.6 and Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended.~~

(2) Before the department may submit proposed capitation rates for approval by the United States centers for medicare and medicaid services, the department shall prepare a separate document that specifies the manner in which the rates conform to generally accepted actuarial principles and practices. When the proposed rates are submitted for approval, the department shall include the document as part of its submission of information to the centers for medicare and medicaid services.

(3) The document prepared under division (B)(2) of this section shall include information on all of the following:

(a) How the proposed rates are appropriate with respect to the individuals or groups of individuals who will be enrolled in the health insuring corporations;

(b) How the proposed rates are appropriate for the services that will be covered by the health insuring corporations;

(c) How the proposed rates are adequate to meet the administrative requirements of the health insuring corporations;

(d) Any other matter the department considers to be relevant to the development of actuarially sound capitation rates.

(4) In preparing the document required under division (B)(2)

of this section, the department may consult with the 47552  
superintendent of insurance. The department may ask the 47553  
superintendent to assess whether the proposed rates, if 47554  
implemented, would do any of the following: 47555

(a) Adversely affect a health insuring corporation in a 47556  
manner that results in the need to prepare and submit an RBC plan 47557  
in accordance with section 1753.33 of the Revised Code; 47558

(b) Cause the superintendent, in the case of a health 47559  
insuring corporation with a parent company, to take actions 47560  
requiring the use of the parent company's guaranty established 47561  
under division (A)(27) of section 1751.03 of the Revised Code as a 47562  
condition of applying for a certificate of authority to establish 47563  
and operate the health insuring corporation; 47564

(c) Negatively impact, in general, the financial solvency of 47565  
a health insuring corporation. 47566

(C) The director of job and family services may adopt rules 47567  
in accordance with Chapter 119. of the Revised Code to implement 47568  
this section. 47569

**Sec. 5111.172.** (A) When contracting under section 5111.17 of 47570  
the Revised Code with a managed care organization that is a health 47571  
insuring corporation, the department of job and family services 47572  
may require the health insuring corporation to provide coverage of 47573  
prescription drugs for medicaid recipients enrolled in the health 47574  
insuring corporation. In providing the required coverage, the 47575  
health insuring corporation may, subject to the department's 47576  
approval and the limitations provided under division (C) of this 47577  
section, use strategies for the management of drug utilization. 47578

(B) As used in this division, "controlled substance" has the 47579  
same meaning as in section 3719.01 of the Revised Code. 47580

If a health insuring corporation is required under this 47581

section to provide coverage of prescription drugs, the department 47582  
shall permit the health insuring corporation to develop and 47583  
implement a pharmacy utilization management program under which 47584  
prior authorization through the program is established as a 47585  
condition of obtaining a controlled substance pursuant to a 47586  
prescription. The program may include processes for requiring 47587  
medicaid recipients at high risk for fraud or abuse involving 47588  
controlled substances to have their prescriptions for controlled 47589  
substances filled by a pharmacy, medical provider, or health care 47590  
facility designated by the program. 47591

(C) As used in this division, "mental health drug" has the 47592  
same meaning as in section 5111.085 of the Revised Code. 47593

If a contract under section 5111.17 of the Revised Code 47594  
requires a health insuring corporation to provide prescription 47595  
drug coverage for medicaid recipients as described in division (A) 47596  
of this section, the contract shall include terms under which the 47597  
only mental health drugs that may be subjected to a prior 47598  
authorization requirement, preferred drug list, or generic 47599  
substitution requirement are mental health drugs that are brand 47600  
name and for which there are generic equivalents. 47601

**Sec. 5111.20.** As used in sections 5111.20 to 5111.34 of the 47602  
Revised Code: 47603

(A) "Allowable costs" are those costs determined by the 47604  
department of job and family services to be reasonable and do not 47605  
include fines paid under sections 5111.35 to 5111.61 and section 47606  
5111.99 of the Revised Code. 47607

(B) "Ancillary and support costs" means all reasonable costs 47608  
incurred by a nursing facility other than direct care costs or 47609  
capital costs. "Ancillary and support costs" includes, but is not 47610  
limited to, costs of activities, social services, pharmacy 47611  
consultants, habilitation supervisors, qualified mental 47612

retardation professionals, program directors, medical and 47613  
habilitation records, program supplies, incontinence supplies, 47614  
food, enterals, dietary supplies and personnel, laundry, 47615  
housekeeping, security, administration, medical equipment, 47616  
utilities, liability insurance, bookkeeping, purchasing 47617  
department, human resources, communications, travel, dues, license 47618  
fees, subscriptions, home office costs not otherwise allocated, 47619  
legal services, accounting services, minor equipment, maintenance 47620  
and repairs, help-wanted advertising, informational advertising, 47621  
start-up costs, organizational expenses, other interest, property 47622  
insurance, employee training and staff development, employee 47623  
benefits, payroll taxes, and workers' compensation premiums or 47624  
costs for self-insurance claims and related costs as specified in 47625  
rules adopted by the director of job and family services under 47626  
section 5111.02 of the Revised Code, for personnel listed in this 47627  
division. "Ancillary and support costs" also means the cost of 47628  
equipment, including vehicles, acquired by operating lease 47629  
executed before December 1, 1992, if the costs are reported as 47630  
administrative and general costs on the facility's cost report for 47631  
the cost reporting period ending December 31, 1992. 47632

(C) "Capital costs" means costs of ownership and, in the case 47633  
of an intermediate care facility for the mentally retarded, costs 47634  
of nonextensive renovation. 47635

(1) "Cost of ownership" means the actual expense incurred for 47636  
all of the following: 47637

(a) Depreciation and interest on any capital assets that cost 47638  
five hundred dollars or more per item, including the following: 47639

(i) Buildings; 47640

(ii) Building improvements that are not approved as 47641  
nonextensive renovations under section 5111.251 of the Revised 47642  
Code; 47643



(iii) Except as provided in division (B) of this section, equipment;	47644 47645
(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;	47646 47647
(v) Transportation equipment.	47648
(b) Amortization and interest on land improvements and leasehold improvements;	47649 47650
(c) Amortization of financing costs;	47651
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	47652 47653
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.	47654 47655 47656
(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.	47657 47658 47659 47660
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	47661 47662
(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.	47663 47664 47665 47666 47667
(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	47668 47669 47670 47671 47672 47673

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.

~~(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:	47705
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	47706 47707
(b) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division (H)(2) of this section, other persons holding degrees qualifying them to provide therapy;	47708 47709 47710 47711
(c) Costs of purchased nursing services;	47712
(d) Costs of quality assurance;	47713
(e) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (H)(1)(a), (b), and (d) of this section;	47714 47715 47716 47717 47718 47719
(f) Costs of consulting and management fees related to direct care;	47720 47721
(g) Allocated direct care home office costs.	47722
(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, habilitation supplies, and universal precautions supplies.	47723 47724 47725 47726 47727
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	47728 47729 47730
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation	47731 47732 47733 47734

professionals, program directors, social services staff, 47735  
activities staff, off-site day programming, psychologists and 47736  
psychology assistants, and social workers and counselors; 47737

(b) Costs of training and staff development, employee 47738  
benefits, payroll taxes, and workers' compensation premiums or 47739  
costs for self-insurance claims and related costs as specified in 47740  
rules adopted under section 5111.02 of the Revised Code, for 47741  
personnel listed in division (H)(3)(a) of this section. 47742

(4) Costs of other direct-care resources that are specified 47743  
as direct care costs in rules adopted under section 5111.02 of the 47744  
Revised Code. 47745

(I) "Fiscal year" means the fiscal year of this state, as 47746  
specified in section 9.34 of the Revised Code. 47747

(J) "Franchise permit fee" means the following: 47748

(1) In the context of nursing facilities, the fee imposed by 47749  
sections 3721.50 to 3721.58 of the Revised Code; 47750

(2) In the context of intermediate care facilities for the 47751  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 47752  
of the Revised Code. 47753

(K) "Indirect care costs" means all reasonable costs incurred 47754  
by an intermediate care facility for the mentally retarded other 47755  
than direct care costs, other protected costs, or capital costs. 47756  
"Indirect care costs" includes but is not limited to costs of 47757  
habilitation supplies, pharmacy consultants, medical and 47758  
habilitation records, program supplies, incontinence supplies, 47759  
food, enterals, dietary supplies and personnel, laundry, 47760  
housekeeping, security, administration, liability insurance, 47761  
bookkeeping, purchasing department, human resources, 47762  
communications, travel, dues, license fees, subscriptions, home 47763  
office costs not otherwise allocated, legal services, accounting 47764  
services, minor equipment, maintenance and repairs, help-wanted 47765

advertising, informational advertising, start-up costs, 47766  
organizational expenses, other interest, property insurance, 47767  
employee training and staff development, employee benefits, 47768  
payroll taxes, and workers' compensation premiums or costs for 47769  
self-insurance claims and related costs as specified in rules 47770  
adopted under section 5111.02 of the Revised Code, for personnel 47771  
listed in this division. Notwithstanding division (C)(1) of this 47772  
section, "indirect care costs" also means the cost of equipment, 47773  
including vehicles, acquired by operating lease executed before 47774  
December 1, 1992, if the costs are reported as administrative and 47775  
general costs on the facility's cost report for the cost reporting 47776  
period ending December 31, 1992. 47777

(L) "Inpatient days" means all days during which a resident, 47778  
regardless of payment source, occupies a bed in a nursing facility 47779  
or intermediate care facility for the mentally retarded that is 47780  
included in the facility's certified capacity under Title XIX. 47781  
Therapeutic or hospital leave days for which payment is made under 47782  
section 5111.33 of the Revised Code are considered inpatient days 47783  
proportionate to the percentage of the facility's per resident per 47784  
day rate paid for those days. 47785

(M) "Intermediate care facility for the mentally retarded" 47786  
means an intermediate care facility for the mentally retarded 47787  
certified as in compliance with applicable standards for the 47788  
medicaid program by the director of health in accordance with 47789  
Title XIX. 47790

(N) "Maintenance and repair expenses" means, except as 47791  
provided in division (BB)(2) of this section, expenditures that 47792  
are necessary and proper to maintain an asset in a normally 47793  
efficient working condition and that do not extend the useful life 47794  
of the asset two years or more. "Maintenance and repair expenses" 47795  
includes but is not limited to the cost of ordinary repairs such 47796  
as painting and wallpapering. 47797

(O) "Medicaid days" means all days during which a resident 47798  
who is a Medicaid recipient eligible for nursing facility services 47799  
occupies a bed in a nursing facility that is included in the 47800  
nursing facility's certified capacity under Title XIX. Therapeutic 47801  
or hospital leave days for which payment is made under section 47802  
5111.33 of the Revised Code are considered Medicaid days 47803  
proportionate to the percentage of the nursing facility's per 47804  
resident per day rate paid for those days. 47805

(P) "Nursing facility" means a facility, or a distinct part 47806  
of a facility, that is certified as a nursing facility by the 47807  
director of health in accordance with Title XIX and is not an 47808  
intermediate care facility for the mentally retarded. "Nursing 47809  
facility" includes a facility, or a distinct part of a facility, 47810  
that is certified as a nursing facility by the director of health 47811  
in accordance with Title XIX and is certified as a skilled nursing 47812  
facility by the director in accordance with Title XVIII. 47813

(Q) "Operator" means the person or government entity 47814  
responsible for the daily operating and management decisions for a 47815  
nursing facility or intermediate care facility for the mentally 47816  
retarded. 47817

(R) "Other protected costs" means costs incurred by an 47818  
intermediate care facility for the mentally retarded for medical 47819  
supplies; real estate, franchise, and property taxes; natural gas, 47820  
fuel oil, water, electricity, sewage, and refuse and hazardous 47821  
medical waste collection; allocated other protected home office 47822  
costs; and any additional costs defined as other protected costs 47823  
in rules adopted under section 5111.02 of the Revised Code. 47824

(S)(1) "Owner" means any person or government entity that has 47825  
at least five per cent ownership or interest, either directly, 47826  
indirectly, or in any combination, in any of the following 47827  
regarding a nursing facility or intermediate care facility for the 47828  
mentally retarded: 47829

(a) The land on which the facility is located;	47830
(b) The structure in which the facility is located;	47831
(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the facility is located;	47832 47833 47834
(d) Any lease or sublease of the land or structure on or in which the facility is located.	47835 47836
(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility or intermediate care facility for the mentally retarded and purchased at public issue or a regulated lender that has made a loan related to the facility unless the holder or lender operates the facility directly or through a subsidiary.	47837 47838 47839 47840 47841 47842
(T) "Patient" includes "resident."	47843
(U) Except as provided in divisions (U)(1) and (2) of this section, "per diem" means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.	47844 47845 47846 47847 47848
(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.	47849 47850 47851 47852 47853 47854 47855 47856
(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a	47857 47858 47859

cost reporting period divided by the greater of the facility's 47860  
inpatient days for that period or the number of inpatient days the 47861  
facility would have had during that period if its occupancy rate 47862  
had been ninety-five per cent. 47863

(V) "Provider" means an operator with a provider agreement. 47864

(W) "Provider agreement" means a contract between the 47865  
department of job and family services and the operator of a 47866  
nursing facility or intermediate care facility for the mentally 47867  
retarded for the provision of nursing facility services or 47868  
intermediate care facility services for the mentally retarded 47869  
under the medicaid program. 47870

(X) "Purchased nursing services" means services that are 47871  
provided in a nursing facility by registered nurses, licensed 47872  
practical nurses, or nurse aides who are not employees of the 47873  
facility. 47874

(Y) "Reasonable" means that a cost is an actual cost that is 47875  
appropriate and helpful to develop and maintain the operation of 47876  
patient care facilities and activities, including normal standby 47877  
costs, and that does not exceed what a prudent buyer pays for a 47878  
given item or services. Reasonable costs may vary from provider to 47879  
provider and from time to time for the same provider. 47880

(Z) "Related party" means an individual or organization that, 47881  
to a significant extent, has common ownership with, is associated 47882  
or affiliated with, has control of, or is controlled by, the 47883  
provider. 47884

(1) An individual who is a relative of an owner is a related 47885  
party. 47886

(2) Common ownership exists when an individual or individuals 47887  
possess significant ownership or equity in both the provider and 47888  
the other organization. Significant ownership or equity exists 47889  
when an individual or individuals possess five per cent ownership 47890



or equity in both the provider and a supplier. Significant 47891  
ownership or equity is presumed to exist when an individual or 47892  
individuals possess ten per cent ownership or equity in both the 47893  
provider and another organization from which the provider 47894  
purchases or leases real property. 47895

(3) Control exists when an individual or organization has the 47896  
power, directly or indirectly, to significantly influence or 47897  
direct the actions or policies of an organization. 47898

(4) An individual or organization that supplies goods or 47899  
services to a provider shall not be considered a related party if 47900  
all of the following conditions are met: 47901

(a) The supplier is a separate bona fide organization. 47902

(b) A substantial part of the supplier's business activity of 47903  
the type carried on with the provider is transacted with others 47904  
than the provider and there is an open, competitive market for the 47905  
types of goods or services the supplier furnishes. 47906

(c) The types of goods or services are commonly obtained by 47907  
other nursing facilities or intermediate care facilities for the 47908  
mentally retarded from outside organizations and are not a basic 47909  
element of patient care ordinarily furnished directly to patients 47910  
by the facilities. 47911

(d) The charge to the provider is in line with the charge for 47912  
the goods or services in the open market and no more than the 47913  
charge made under comparable circumstances to others by the 47914  
supplier. 47915

(AA) "Relative of owner" means an individual who is related 47916  
to an owner of a nursing facility or intermediate care facility 47917  
for the mentally retarded by one of the following relationships: 47918

(1) Spouse; 47919

(2) Natural parent, child, or sibling; 47920

(3) Adopted parent, child, or sibling;	47921
(4) Stepparent, stepchild, stepbrother, or stepsister;	47922
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	47923 47924
(6) Grandparent or grandchild;	47925
(7) Foster caregiver, foster child, foster brother, or foster sister.	47926 47927
(BB) "Renovation" and "extensive renovation" mean:	47928
(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.	47929 47930 47931 47932 47933
(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:	47934 47935 47936
(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.	47937 47938 47939 47940 47941 47942 47943 47944 47945 47946 47947 47948 47949
(b) "Extensive renovation" means a renovation that costs more	47950

than sixty-five per cent and no more than eighty-five per cent of 47951  
the cost of constructing a new bed and that extends the useful 47952  
life of the assets for at least ten years. 47953

For the purposes of division (BB)(2) of this section, the 47954  
cost of constructing a new bed shall be considered to be forty 47955  
thousand dollars, adjusted for the estimated rate of inflation 47956  
from January 1, 1993, to the end of the calendar year during which 47957  
the renovation is completed, using the consumer price index for 47958  
shelter costs for all urban consumers for the north central 47959  
region, as published by the United States bureau of labor 47960  
statistics. 47961

The department of job and family services may treat a 47962  
renovation that costs more than eighty-five per cent of the cost 47963  
of constructing new beds as an extensive renovation if the 47964  
department determines that the renovation is more prudent than 47965  
construction of new beds. 47966

(CC) "Title XIX" means Title XIX of the "Social Security 47967  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 47968

(DD) "Title XVIII" means Title XVIII of the "Social Security 47969  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 47970

**Sec. 5111.69.** (A) In accordance with 42 C.F.R. 431.12, there 47971  
is hereby created the medical care advisory council. The council 47972  
shall advise the department of job and family services about 47973  
health and medical care services for purposes of the medicaid 47974  
program. The department shall grant the council the opportunity to 47975  
participate in medicaid policy development and program 47976  
administration. 47977

(B) The council shall consist of the following members: 47978

(1) Three individuals representing health professions, 47979  
including one or more individuals representing board-certified 47980

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 appointed by the governor; 47981  
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(2) Two individuals representing consumers' groups, including medicaid recipients and consumer organizations such as labor unions, one appointed by the president of the senate and one appointed by the speaker of the house of representatives; 47986  
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(3) Three individuals representing health insuring corporations that have entered into contracts with the department pursuant to section 5111.17 of the Revised Code, one appointed by the president of the senate, one appointed by the speaker of the house of representatives, and one appointed by the governor; 47990  
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(4) Two individuals representing the business community, one appointed by the president of the senate and one appointed by the speaker of the house of representatives; 47995  
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(5) One individual representing county departments of job and family services, appointed by the governor. 47998  
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(C) The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner provided for original appointments. 48000  
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(D) At its first meeting, the council shall organize by electing a chairperson from among its members and adopting bylaws for its operation. The bylaws shall include provisions specifying the length of the term a member may serve as chairperson. 48003  
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**Sec. 5111.70.** (A) As used in sections 5111.70 to 5111.7010 of the Revised Code: 48007  
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(1) "Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities 48009  
48010

program. 48011

(2) "Earned income" has the meaning established by rules 48012  
adopted under section 5111.707 of the Revised Code. 48013

(3) "Employed individual with a medically improved 48014  
disability" has the same meaning as in 42 U.S.C. 1396d(v). 48015

(4) "Family" means an applicant or participant and the spouse 48016  
and dependent children of the applicant or participant. If an 48017  
applicant or participant is under eighteen years of age, "family" 48018  
also means the parents of the applicant or participant. 48019

(5) "Federal poverty guidelines" has the same meaning as in 48020  
section 5101.46 of the Revised Code. 48021

(6) "Income" means earned income and unearned income. 48022

(7) "Participant" means an individual who has been determined 48023  
eligible for the medicaid buy-in for workers with disabilities 48024  
program and is participating in the program. 48025

(8) "Supplemental security income program" means the program 48026  
established under Title XVI of the "Social Security Act," 86 Stat. 48027  
1329 (1972), 42 U.S.C. 1381, as amended. 48028

(9) "Medicaid buy-in for workers with disabilities program" 48029  
means the component of the medicaid program established under 48030  
sections 5111.70 to 5111.7010 of the Revised Code. 48031

(10) "Unearned income" has the meaning established by rules 48032  
adopted under section 5111.707 of the Revised Code. 48033

(B) Not later than ninety days after the effective date of 48034  
this section, the director of job and family services shall submit 48035  
to the United States secretary of health and human services an 48036  
amendment to the state medicaid plan and any federal waiver 48037  
necessary to establish the medicaid buy-in for workers with 48038  
disabilities program in accordance with 42 U.S.C. 1396a(a) 48039  
(10)(A)(ii)(XV) and (XVI) and sections 5111.70 to 5111.7010 of the 48040

Revised Code. The director shall implement sections 5111.701 to 48041  
5111.7010 of the Revised Code if the amendment and, if needed, 48042  
federal waiver are approved. 48043

Sec. 5111.701. Under the medicaid buy-in for workers with 48044  
disabilities program, an individual who does all of the following 48045  
in accordance with rules adopted under section 5111.707 of the 48046  
Revised Code qualifies for medical assistance under the medicaid 48047  
program: 48048

(A) Applies for the medicaid buy-in for workers with 48049  
disabilities program; 48050

(B) Provides satisfactory evidence of all of the following: 48051

(1) That the individual is at least sixteen years of age and 48052  
under sixty-five years of age; 48053

(2) Except as provided in section 5111.706 of the Revised 48054  
Code, that one of the following applies to the individual: 48055

(a) The individual is considered disabled for the purpose of 48056  
the supplemental security income program, regardless of whether 48057  
the individual receives supplemental security income benefits, and 48058  
the individual has earnings from employment. 48059

(b) The individual is an employed individual with a medically 48060  
improved disability. 48061

(3) That the value of the assets of the individual's family, 48062  
less assets and asset value disregarded pursuant to rules adopted 48063  
under section 5111.707 of the Revised Code, does not exceed the 48064  
amount provided for by section 5111.702 of the Revised Code; 48065

(4) That the income of the individual's family, less amounts 48066  
disregarded pursuant to section 5111.703 of the Revised Code, does 48067  
not exceed two hundred fifty per cent of the federal poverty 48068  
guidelines; 48069

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program that the director of job and family services establishes in rules adopted under section 5111.707 of the Revised Code. 48070  
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(C) To the extent required by section 5111.704 of the Revised Code, pays the premium established under that section. 48074  
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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. 48076  
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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. 48083  
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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: 48090  
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(A) The first twenty thousand dollars of the individual's earned income shall be disregarded. 48093  
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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 48095  
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family. 48100

(C) All other amounts disregarded pursuant to rules adopted 48101  
under section 5111.707 of the Revised Code shall be applied to the 48102  
income of the individual's family. 48103

**Sec. 5111.704.** (A) An individual whose family's income 48104  
exceeds one hundred fifty per cent of the federal poverty 48105  
guidelines shall pay an annual premium as a condition of 48106  
qualifying for the medicaid buy-in for workers with disabilities 48107  
program. The amount of the premium shall be determined as follows: 48108

(1) Subtract one hundred fifty per cent of the federal 48109  
poverty guidelines, as applicable for a family size equal to the 48110  
size of the individual's family, from the amount of the income of 48111  
the individual's family; 48112

(2) Subtract any amount a member of the individual's family 48113  
pays, whether by payroll deduction or otherwise, for other health 48114  
insurance for one or more members of the family from the 48115  
difference determined under division (A)(1) of this section; 48116

(3) Multiply the difference determined under division (A)(2) 48117  
of this section by one tenth. 48118

(B) No amount that an employer of a member of an individual's 48119  
family pays to obtain health insurance for one or more members of 48120  
the individual's family, including any amount of a premium 48121  
established under this section that the employer pays, shall be 48122  
treated as the income of the individual's family for the purpose 48123  
of this section. 48124

**Sec. 5111.705.** No individual shall be denied eligibility for 48125  
the medicaid buy-in for workers with disabilities program on the 48126  
basis that the individual receives services under a home and 48127  
community-based services medicaid waiver component as defined in 48128  
section 5111.851 of the Revised Code. 48129



Sec. 5111.706. An individual participating in the medicaid buy-in for workers with disabilities program may continue to participate in the program for up to six months even though the individual ceases to have earnings from employment or to be an employed individual with a medically improved disability due to ceasing to be employed if the individual continues to meet all other eligibility requirements for the program. 48130  
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Sec. 5111.707. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following: 48137  
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(A) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program; 48141  
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(B) Establish meanings for the terms "earned income" and "unearned income"; 48144  
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(C) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program. 48146  
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Sec. 5111.708. (A) There is hereby created the medicaid buy-in advisory council. The council shall consist of the following members: 48149  
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(1) The executive director of assistive technology of Ohio or the executive director's designee; 48152  
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(2) The director of the axis center for public awareness of people with disabilities or the director's designee; 48154  
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(3) The executive director of the cerebral palsy association of Ohio or the executive director's designee; 48156  
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<u>(4) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;</u>	48158
	48159
<u>(5) The state director of the Ohio chapter of AARP or the state director's designee;</u>	48160
	48161
<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>	48162
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	48164
<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>	48165
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	48167
<u>(8) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;</u>	48168
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	48170
<u>(9) The chairperson of the Ohio Olmstead task force or the chairperson's designee;</u>	48171
	48172
<u>(10) The executive director of the Ohio statewide independent living council or the executive director's designee;</u>	48173
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<u>(11) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;</u>	48175
	48176
<u>(12) The executive director of the arc of Ohio or the executive director's designee;</u>	48177
	48178
<u>(13) The executive director of the commission on minority health or the executive director's designee.</u>	48179
	48180
<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>	48181
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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>	48184
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(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 its duties.

Sec. 5111.709. The director of job and family services or the director's designee shall consult with the medicaid buy-in advisory council before adopting, amending, or rescinding any rules under section 5111.707 of the Revised Code governing the medicaid buy-in for workers with disabilities program.

The director or designee shall meet at least quarterly with the council to discuss the program. At the meetings, the council may provide the director or designee with suggestions for improving the program and the director or designee shall provide the council with all of the following information:

(A) The number of individuals who participated in the program the previous calendar quarter;

(B) The cost of the program the previous calendar quarter;

(C) The amount of revenue generated the previous quarter by premiums that participants pay under section 5111.704 of the Revised Code;

(D) The average amount of earned income of participants' families;

(E) The average amount of time participants have participated in the program;

(F) The types of other health insurance participants have been able to obtain.

Sec. 5111.7010. Not less than once each year, the director of job and family services shall submit a report on the medicaid

buy-in for workers with disabilities program to the governor, 48217  
speaker and minority leader of the house of representatives, 48218  
president and minority leader of the senate, and chairpersons of 48219  
the house and senate committees to which the biennial operating 48220  
budget bill is referred. The report shall include all of the 48221  
following information: 48222

(A) The number of individuals who participated in the 48223  
medicaid buy-in for workers with disabilities program; 48224

(B) The cost of the program; 48225

(C) The amount of revenue generated by premiums that 48226  
participants pay under section 5111.704 of the Revised Code; 48227

(D) The average amount of earned income of participants' 48228  
families; 48229

(E) The average amount of time participants have participated 48230  
in the program; 48231

(F) The types of other health insurance participants have 48232  
been able to obtain. 48233

**Sec. 5111.84.** The director of job and family services may not 48234  
submit a request to the United States secretary of health and 48235  
human services for a medicaid waiver under section 1115 of the 48236  
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 48237  
provides the speaker of the house of representatives and president 48238  
of the senate written notice of the director's intent to submit 48239  
the request at least ten days before the date the director submits 48240  
the request to the United States secretary. The notice shall 48241  
include a detailed explanation of the medicaid waiver the director 48242  
proposes to seek. 48243

**Sec. 5111.851.** (A) As used in sections 5111.851 to 5111.855 48244  
of the Revised Code: 48245

"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 the Revised Code to administer the component, that state agency or political subdivision.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or intermediate care facility for the mentally retarded and whether the individual, if determined to need that level of care, would receive hospital, nursing facility, or intermediate care facility for the mentally retarded services if not for a home and community-based services medicaid waiver component.

"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.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

(B) The following requirements apply to each home and community-based services medicaid waiver component: 48277  
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(1) Only an individual who qualifies for a component shall receive that component's services. 48279  
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(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 48281  
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(3) A written plan of care or individual service plan based on an individual assessment of the services that an individual needs to avoid needing admission to a hospital, nursing facility, or intermediate care facility for the mentally retarded shall be created for each individual determined eligible for a component. 48287  
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(4) Each individual determined eligible for a component shall receive that component's services in accordance with the individual's level of care determination and written plan of care or individual service plan. 48292  
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(5) No individual may receive services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or intermediate care facility for the mentally retarded. 48296  
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(6) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 48300  
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(7) Safeguards shall be taken to protect the health and welfare of individuals receiving services under a component, including safeguards established in rules adopted under section 48305  
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5111.85 of the Revised Code and safeguards established by 48308  
licensing and certification requirements that are applicable to 48309  
the providers of that component's services. 48310

(8) No services may be provided under a component by a 48311  
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 48312  
requires be established if the provider fails to comply with the 48313  
standards applicable to the provider. 48314

(9) Individuals determined to be eligible for a component, or 48315  
such individuals' representatives, shall be informed of that 48316  
component's services, including any choices that the individual or 48317  
representative may make regarding the component's services, and 48318  
given the choice of either receiving services under that component 48319  
or, as appropriate, hospital, nursing facility, or intermediate 48320  
care facility for the mentally retarded services. 48321

(10) No individual shall lose eligibility for services under 48322  
a component, or have the services reduced or otherwise disrupted, 48323  
on the basis that the individual also receives services under the 48324  
medicaid buy-in for workers with disabilities program. 48325

(11) No individual shall lose eligibility for services under 48326  
a component, or have the services reduced or otherwise disrupted, 48327  
on the basis that the individual's income or assets increase to an 48328  
amount above the eligibility limit for the component if the 48329  
individual is participating in the medicaid buy-in for workers 48330  
with disabilities program and the amount of the individual's 48331  
income or assets does not exceed the eligibility limit for the 48332  
medicaid buy-in for workers with disabilities program. 48333

(12) No individual receiving services under a component shall 48334  
be required to pay any cost sharing expenses for the services for 48335  
any period during which the individual also participates in the 48336  
medicaid buy-in for workers with disabilities program. 48337

Sec. 5111.871. The department of job and family services 48338  
shall enter into a contract with the department of mental 48339  
retardation and developmental disabilities under section 5111.91 48340  
of the Revised Code with regard to one or more of the components 48341  
of the medicaid program established by the department of job and 48342  
family services under one or more of the medicaid waivers sought 48343  
under section 5111.87 of the Revised Code. The contract shall 48344  
provide for the department of mental retardation and developmental 48345  
disabilities to administer the components in accordance with the 48346  
terms of the waivers. The directors of job and family services and 48347  
mental retardation and developmental disabilities shall adopt 48348  
rules in accordance with Chapter 119. of the Revised Code 48349  
governing the components. 48350

If the department of mental retardation and developmental 48351  
disabilities or the department of job and family services denies 48352  
an individual's application for home and community-based services 48353  
provided under any of these medicaid components, the department 48354  
that denied the services shall give timely notice to the 48355  
individual that the individual may request a hearing under section 48356  
5101.35 of the Revised Code. 48357

The departments of mental retardation and developmental 48358  
disabilities and job and family services may approve, reduce, 48359  
deny, or terminate a service included in the individualized 48360  
service plan developed for a medicaid recipient eligible for home 48361  
and community-based services provided under any of these medicaid 48362  
components. The departments shall consider the recommendations a 48363  
county board of mental retardation and developmental disabilities 48364  
makes under division (A)(1)(c) of section 5126.055 of the Revised 48365  
Code. If either department approves, reduces, denies, or 48366  
terminates a service, that department shall give timely notice to 48367  
the medicaid recipient that the recipient may request a hearing 48368  
under section 5101.35 of the Revised Code. 48369



If supported living ~~or residential services~~, as defined in 48370  
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 48371  
service under any of these components, any person or government 48372  
entity with a current, valid medicaid provider agreement and a 48373  
current, valid ~~license under section 5123.19~~ or certificate under 48374  
section ~~5123.16~~ ~~or 5126.431~~ 5123.161 of the Revised Code may 48375  
provide the ~~services~~ service. 48376

If a service is to be provided under any of these components 48377  
by a residential facility, as defined in section 5123.19 of the 48378  
Revised Code, any person or government entity with a current, 48379  
valid medicaid provider agreement and a current, valid license 48380  
under section 5123.19 of the Revised Code may provide the service. 48381

**Sec. 5111.872.** When the department of mental retardation and 48382  
developmental disabilities allocates enrollment numbers to a 48383  
county board of mental retardation and developmental disabilities 48384  
for home and community-based services specified in division (B)(1) 48385  
of section 5111.87 of the Revised Code and provided under any of 48386  
the components of the medicaid program that the department 48387  
administers under section 5111.871 of the Revised Code, the 48388  
department shall consider all of the following: 48389

(A) The number of individuals with mental retardation or 48390  
other developmental disability who are on a waiting list the 48391  
county board establishes under division (C) of section 5126.042 of 48392  
the Revised Code for those services and are given priority on the 48393  
waiting list pursuant to division (D) or (E) of that section; 48394

(B) The implementation component required by division 48395  
(A)~~(4)~~(3) of section 5126.054 of the Revised Code of the county 48396  
board's plan approved under section 5123.046 of the Revised Code; 48397

(C) Anything else the department considers necessary to 48398  
enable county boards to provide those services to individuals in 48399  
accordance with the priority requirements of divisions (D) and (E) 48400

of section 5126.042 of the Revised Code. 48401

**Sec. 5111.8814.** An intermediate care facility for the 48402  
mentally retarded that converts in whole to providing home and 48403  
community-based services under the ICF/MR conversion pilot program 48404  
shall either be licensed as a residential facility under section 48405  
5123.19 of the Revised Code or certified to provide supported 48406  
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 48407  
intermediate care facility for the mentally retarded converts in 48408  
part to providing such home and community-based services, the 48409  
distinct part of the facility that provides the home and 48410  
community-based services shall either be licensed as a residential 48411  
facility under section 5123.19 of the Revised Code or certified to 48412  
provide supported living under section ~~5126.431~~ 5123.161 of the 48413  
Revised Code. The facility or distinct part of the facility shall 48414  
be licensed as a residential facility rather than certified to 48415  
provide supported living if it meets the definition of 48416  
"residential facility" in section 5123.19 of the Revised Code. 48417

**Sec. 5111.89.** (A) As used in sections 5111.89 to ~~5111.893~~ 48418  
5111.894 of the Revised Code: 48419

"Area agency on aging" has the same meaning as in section 48420  
173.14 of the Revised Code. 48421

"Assisted living program" means the medicaid waiver component 48422  
for which the director of job and family services is authorized by 48423  
this section to request a medicaid waiver. 48424

"Assisted living services" means the following home and 48425  
community-based services: personal care, homemaker, chore, 48426  
attendant care, companion, medication oversight, and therapeutic 48427  
social and recreational programming. 48428

"County or district home" means a county or district home 48429  
operated under Chapter 5155. of the Revised Code. 48430

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 48431  
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 48434  
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"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 48439  
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 48441  
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 48443  
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(B) The director of job and family services may submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which assisted living services are provided to not more than one thousand eight hundred individuals who meet the program's eligibility requirements established under section 5111.891 of the Revised Code. 48445  
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If the secretary approves the medicaid waiver requested under this section and the director of budget and management approves the contract, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the assisted living program. The contract shall include an estimate of the program's costs. 48454  
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The director of job and family services may adopt rules under 48461

section 5111.85 of the Revised Code regarding the assisted living 48462  
program. The director of aging may adopt rules under Chapter 119. 48463  
of the Revised Code regarding the program that the rules adopted 48464  
by the director of job and family services authorize the director 48465  
of aging to adopt. 48466

**Sec. 5111.891.** To be eligible for the assisted living 48467  
program, an individual must meet all of the following 48468  
requirements: 48469

(A) Need an intermediate level of care as determined under 48470  
rule 5101:3-3-06 of the Administrative Code; 48471

(B) At the time the individual applies for the assisted 48472  
living program, be one of the following: 48473

(1) A nursing facility resident who is seeking to move to a 48474  
residential care facility and would remain in a nursing facility 48475  
for long term care if not for the assisted living program; 48476

(2) A participant of any of the following medicaid waiver 48477  
components who would move to a nursing facility if not for the 48478  
assisted living program: 48479

(a) The PASSPORT program created under section 173.40 of the 48480  
Revised Code; 48481

(b) The medicaid waiver component called the choices program 48482  
that the department of aging administers; 48483

(c) A medicaid waiver component that the department of job 48484  
and family services administers. 48485

(3) A resident of a residential care facility who has resided 48486  
in a residential care facility for at least six months immediately 48487  
before the date the individual applies for the assisted living 48488  
program. 48489

(C) At the time the individual receives assisted living 48490

services under the assisted living program, reside in a 48491  
residential care facility, including both of the following: 48492

(1) A residential care facility that is owned or operated by 48493  
a metropolitan housing authority that has a contract with the 48494  
United States department of housing and urban development to 48495  
receive an operating subsidy or rental assistance for the 48496  
residents of the facility; 48497

(2) A county or district home licensed as a residential care 48498  
facility. 48499

(D) Meet all other eligibility requirements for the assisted 48500  
living program established in rules adopted under section 5111.85 48501  
of the Revised Code. 48502

Sec. 5111.894. When an area agency on aging determines that 48503  
an individual who is eligible for the medicaid program and resides 48504  
in the area that the area agency on aging serves has been admitted 48505  
to a nursing facility, the agency shall notify the long-term care 48506  
consultation program administrator serving the area in which the 48507  
individual resides about the determination. The administrator 48508  
shall determine whether the assisted living program is appropriate 48509  
for the individual and whether the individual would rather 48510  
participate in the assisted living program than continue residing 48511  
in the nursing facility. If the administrator determines that the 48512  
assisted living program is appropriate for the individual and the 48513  
individual would rather participate in the assisted living program 48514  
than continue residing in the nursing facility, the administrator 48515  
shall provide the individual or individual's representative 48516  
information about how to apply for the assisted living program and 48517  
whether there is a waiting list for the assisted living program. 48518

**Sec. 5111.915.** (A) The department of job and family services 48519  
shall enter into an agreement with the department of 48520

administrative services for the department of administrative 48521  
services to contract through competitive selection pursuant to 48522  
section 125.07 of the Revised Code with a vendor to perform an 48523  
assessment of the data collection and data warehouse functions of 48524  
the medicaid data warehouse system, including the ability to link 48525  
the data sets of all agencies serving medicaid recipients. 48526

The assessment of the data system shall include functions 48527  
related to fraud and abuse detection, program management and 48528  
budgeting, and performance measurement capabilities of all 48529  
agencies serving medicaid recipients, including the departments of 48530  
aging, alcohol and drug addiction services, health, job and family 48531  
services, mental health, and mental retardation and developmental 48532  
disabilities. 48533

The department of administrative services shall enter into 48534  
this contract within thirty days after ~~the effective date of this~~ 48535  
~~section~~ September 29, 2005. The contract shall require the vendor 48536  
to complete the assessment within ninety days after ~~the effective~~ 48537  
~~date of this section~~ September 29, 2005. 48538

A qualified vendor with whom the department of administrative 48539  
services contracts to assess the data system shall also assist the 48540  
medicaid agencies in the definition of the requirements for an 48541  
enhanced data system or a new data system and assist the 48542  
department of administrative services in the preparation of a 48543  
request for proposal to enhance or develop a data system. 48544

(B) Based on the assessment performed pursuant to division 48545  
(A) of this section, the ~~department of administrative services~~ 48546  
office of information technology shall seek a qualified vendor 48547  
through competitive selection pursuant to section 125.07 of the 48548  
Revised Code to develop or enhance a data collection and data 48549  
warehouse system for the department of job and family services and 48550  
all agencies serving medicaid recipients. 48551

Within ninety days after ~~the effective date of this section~~ 48552  
September 29, 2005, the department of job and family services 48553  
shall seek enhanced federal funding for ninety per cent of the 48554  
funds required to establish or enhance the data system. The 48555  
~~department of administrative services~~ office of information 48556  
technology shall not award a contract for establishing or 48557  
enhancing the data system until the department of job and family 48558  
services receives approval from the secretary of the United States 48559  
department of health and human services for the ninety per cent 48560  
federal match. 48561

**Sec. 5112.341.** (A) In addition to assessing a penalty 48562  
pursuant to section 5112.34 of the Revised Code, the department of 48563  
job and family services may do ~~either~~ any of the following if an 48564  
intermediate care facility for the mentally retarded fails to pay 48565  
the full amount of a franchise permit fee installment when due: 48566

(1) Withhold an amount less than or equal to the installment 48567  
and penalty assessed under section 5112.34 of the Revised Code 48568  
from a medicaid payment due the facility until the facility pays 48569  
the installment and penalty; 48570

(2) Offset an amount less than or equal to the installment 48571  
and penalty assessed under section 5112.34 of the Revised Code 48572  
from a Medicaid payment due the nursing facility or hospital; 48573

(3) Terminate the facility's medicaid provider agreement. 48574

(B) The department may ~~withhold~~ offset a medicaid payment 48575  
under division (A)(1) of this section without providing notice to 48576  
the intermediate care facility for the mentally retarded and 48577  
without conducting an adjudication under Chapter 119. of the 48578  
Revised Code. 48579

**Sec. 5115.12.** (A) The director of job and family services 48580  
shall adopt rules in accordance with section 111.15 of the Revised 48581

Code governing the disability medical assistance program. The 48582  
rules may establish or specify any or all of the following: 48583

(1) Income, resource, citizenship, age, residence, living 48584  
arrangement, and other eligibility requirements; 48585

(2) Health services to be included in the program; 48586

(3) The maximum authorized amount, scope, duration, or limit 48587  
of payment for services; 48588

(4) Limits on the length of time an individual may receive 48589  
disability medical assistance; 48590

(5) Limits on the total number of individuals in the state 48591  
who may receive disability medical assistance; 48592

(6) Limits on the number and types of providers eligible to 48593  
be reimbursed for services provided to individuals enrolled in the 48594  
program. 48595

(B) For purposes of limiting the cost of the disability 48596  
medical assistance program, the director may do either of the 48597  
following: 48598

(1) Adopt rules in accordance with section 111.15 of the 48599  
Revised Code that revise the program's eligibility requirements; 48600  
the maximum authorized amount, scope, duration, or limit of 48601  
payment for services included in the program; or any other 48602  
requirement or standard established or specified by rules adopted 48603  
under division (A) of this section or under section 5115.10 of the 48604  
Revised Code; 48605

(2) Suspend acceptance of applications for disability medical 48606  
assistance. While a suspension is in effect, no person shall 48607  
receive a determination or redetermination of eligibility for 48608  
disability medical assistance unless the person was receiving the 48609  
assistance during the month immediately preceding the suspension's 48610  
effective date or the person submitted an application prior to the 48611



suspension's effective date and receives a determination of 48612  
eligibility based on that application. The director may adopt 48613  
rules in accordance with section 111.15 of the Revised Code 48614  
establishing requirements and specifying procedures applicable to 48615  
the suspension of acceptance of applications. 48616

**Sec. 5119.611.** (A) A community mental health agency that 48617  
seeks certification of its community mental health services shall 48618  
submit an application to the director of mental health. On receipt 48619  
of the application, the director may visit and shall evaluate the 48620  
agency to determine whether its services satisfy the standards 48621  
established by rules adopted under division ~~(D)~~(C) of this 48622  
section. The director shall make the evaluation, and, if the 48623  
director visits the agency, shall make the visit, in cooperation 48624  
with the board of alcohol, drug addiction, and mental health 48625  
services with which the agency seeks to contract under division 48626  
(A)(8)(a) of section 340.03 of the Revised Code. 48627

~~Subject to divisions (B) and (C) of this section~~ If the 48628  
director determines that a community mental health agency's 48629  
services satisfy the standards and the agency has paid the fee 48630  
required under division (B) of this section, the director shall 48631  
certify ~~a community mental health agency's~~ the services ~~that the~~ 48632  
~~director determines satisfy the standards.~~ 48633

If the director determines that a community mental health 48634  
agency's services do not satisfy the standards, the director shall 48635  
identify the areas of noncompliance, specify what action is 48636  
necessary to satisfy the standards, and offer technical assistance 48637  
to the board of alcohol, drug addiction, and mental health 48638  
services so that the board may assist the agency in satisfying the 48639  
standards. The director shall give the agency a reasonable time 48640  
within which to demonstrate that its services satisfy the 48641  
standards or to bring the services into compliance with the 48642

standards. If the director concludes that the services continue to 48643  
fail to satisfy the standards, the director may request that the 48644  
board reallocate the funds for the community mental health 48645  
services the agency was to provide to another community mental 48646  
health agency whose community mental health services satisfy the 48647  
standards. If the board does not reallocate those funds in a 48648  
reasonable period of time, the director may withhold state and 48649  
federal funds for the community mental health services and 48650  
allocate those funds directly to a community mental health agency 48651  
whose community mental health services satisfy the standards. 48652

(B) Each community mental health agency seeking certification 48653  
of its community mental health services under this section shall 48654  
pay a fee for the certification review required by this section. 48655  
Fees shall be paid into the sale of goods and services fund 48656  
created pursuant to section 5119.161 of the Revised Code. 48657

~~(C) The director may certify a community mental health 48658  
service only if the service is for individuals whose focus of 48659  
treatment is a mental disorder according to the edition of the 48660  
American psychiatric association's diagnostic and statistical 48661  
manual of mental disorders that is current at the time the 48662  
director issues the certification, including such services for 48663  
individuals who have a mental disorder and a co-occurring 48664  
substance use disorder, substance induced disorder, chronic 48665  
dementing organic mental disorder, mental retardation, or 48666  
developmental disability. The director may not certify a service 48667  
that is for individuals whose focus of treatment is solely a 48668  
substance use disorder, substance induced disorder, chronic 48669  
dementing organic mental disorder, mental retardation, or 48670  
developmental disability. 48671~~

~~(D) The director shall adopt rules in accordance with Chapter 48672  
119. of the Revised Code to implement this section. The rules 48673  
shall do all of the following: 48674~~

(1) Establish certification standards for community mental health services, including assertive community treatment and intensive home-based mental health services, that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of services or the health and safety of clients of community mental health services. The standards shall address at a minimum all of the following:

- (a) Reporting major unusual incidents to the director;
- (b) Procedures for applicants for and clients of community mental health services to file grievances and complaints;
- (c) Seclusion;
- (d) Restraint;
- (e) Development of written policies addressing the rights of clients, including all of the following:
  - (i) The right to a copy of the written policies addressing client rights;
  - (ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;
  - (iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;
  - (iv) The right to have a client rights officer provided by the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board.

(2) Establish standards for qualifications of mental health

professionals as defined in section 340.02 of the Revised Code and 48705  
personnel who provide the community mental health services; 48706

(3) Establish the process for certification of community 48707  
mental health services; 48708

(4) Set the amount of certification review fees based on a 48709  
portion of the cost of performing the review; 48710

(5) Specify the type of notice and hearing to be provided 48711  
prior to a decision on whether to reallocate funds. 48712

**Sec. 5123.01.** As used in this chapter: 48713

(A) "Chief medical officer" means the licensed physician 48714  
appointed by the managing officer of an institution for the 48715  
mentally retarded with the approval of the director of mental 48716  
retardation and developmental disabilities to provide medical 48717  
treatment for residents of the institution. 48718

(B) "Chief program director" means a person with special 48719  
training and experience in the diagnosis and management of the 48720  
mentally retarded, certified according to division (C) of this 48721  
section in at least one of the designated fields, and appointed by 48722  
the managing officer of an institution for the mentally retarded 48723  
with the approval of the director to provide habilitation and care 48724  
for residents of the institution. 48725

(C) "Comprehensive evaluation" means a study, including a 48726  
sequence of observations and examinations, of a person leading to 48727  
conclusions and recommendations formulated jointly, with 48728  
dissenting opinions if any, by a group of persons with special 48729  
training and experience in the diagnosis and management of persons 48730  
with mental retardation or a developmental disability, which group 48731  
shall include individuals who are professionally qualified in the 48732  
fields of medicine, psychology, and social work, together with 48733  
such other specialists as the individual case may require. 48734

(D) "Education" means the process of formal training and 48735  
instruction to facilitate the intellectual and emotional 48736  
development of residents. 48737

(E) "Habilitation" means the process by which the staff of 48738  
the institution assists the resident in acquiring and maintaining 48739  
those life skills that enable the resident to cope more 48740  
effectively with the demands of the resident's own person and of 48741  
the resident's environment and in raising the level of the 48742  
resident's physical, mental, social, and vocational efficiency. 48743  
Habilitation includes but is not limited to programs of formal, 48744  
structured education and training. 48745

(F) "Health officer" means any public health physician, 48746  
public health nurse, or other person authorized or designated by a 48747  
city or general health district. 48748

(G) "Home and community-based services" means medicaid-funded 48749  
home and community-based services specified in division (B)(1) of 48750  
section 5111.87 of the Revised Code provided under the medicaid 48751  
waiver components the department of mental retardation and 48752  
developmental disabilities administers pursuant to section 48753  
5111.871 of the Revised Code. 48754

(H) "Indigent person" means a person who is unable, without 48755  
substantial financial hardship, to provide for the payment of an 48756  
attorney and for other necessary expenses of legal representation, 48757  
including expert testimony. 48758

(I) "Institution" means a public or private facility, or a 48759  
part of a public or private facility, that is licensed by the 48760  
appropriate state department and is equipped to provide 48761  
residential habilitation, care, and treatment for the mentally 48762  
retarded. 48763

(J) "Licensed physician" means a person who holds a valid 48764  
certificate issued under Chapter 4731. of the Revised Code 48765

authorizing the person to practice medicine and surgery or 48766  
osteopathic medicine and surgery, or a medical officer of the 48767  
government of the United States while in the performance of the 48768  
officer's official duties. 48769

(K) "Managing officer" means a person who is appointed by the 48770  
director of mental retardation and developmental disabilities to 48771  
be in executive control of an institution for the mentally 48772  
retarded under the jurisdiction of the department. 48773

(L) "Medicaid" has the same meaning as in section 5111.01 of 48774  
the Revised Code. 48775

(M) "Medicaid case management services" means case management 48776  
services provided to an individual with mental retardation or 48777  
other developmental disability that the state medicaid plan 48778  
requires. 48779

(N) "Mentally retarded person" means a person having 48780  
significantly subaverage general intellectual functioning existing 48781  
concurrently with deficiencies in adaptive behavior, manifested 48782  
during the developmental period. 48783

(O) "Mentally retarded person subject to institutionalization 48784  
by court order" means a person eighteen years of age or older who 48785  
is at least moderately mentally retarded and in relation to whom, 48786  
because of the person's retardation, either of the following 48787  
conditions exist: 48788

(1) The person represents a very substantial risk of physical 48789  
impairment or injury to self as manifested by evidence that the 48790  
person is unable to provide for and is not providing for the 48791  
person's most basic physical needs and that provision for those 48792  
needs is not available in the community; 48793

(2) The person needs and is susceptible to significant 48794  
habilitation in an institution. 48795

(P) "A person who is at least moderately mentally retarded" 48796  
means a person who is found, following a comprehensive evaluation, 48797  
to be impaired in adaptive behavior to a moderate degree and to be 48798  
functioning at the moderate level of intellectual functioning in 48799  
accordance with standard measurements as recorded in the most 48800  
current revision of the manual of terminology and classification 48801  
in mental retardation published by the American association on 48802  
mental retardation. 48803

(Q) As used in this division, "substantial functional 48804  
limitation," "developmental delay," and "established risk" have 48805  
the meanings established pursuant to section 5123.011 of the 48806  
Revised Code. 48807

"Developmental disability" means a severe, chronic disability 48808  
that is characterized by all of the following: 48809

(1) It is attributable to a mental or physical impairment or 48810  
a combination of mental and physical impairments, other than a 48811  
mental or physical impairment solely caused by mental illness as 48812  
defined in division (A) of section 5122.01 of the Revised Code. 48813

(2) It is manifested before age twenty-two. 48814

(3) It is likely to continue indefinitely. 48815

(4) It results in one of the following: 48816

(a) In the case of a person under three years of age, at 48817  
least one developmental delay or an established risk; 48818

(b) In the case of a person at least three years of age but 48819  
under six years of age, at least two developmental delays or an 48820  
established risk; 48821

(c) In the case of a person six years of age or older, a 48822  
substantial functional limitation in at least three of the 48823  
following areas of major life activity, as appropriate for the 48824  
person's age: self-care, receptive and expressive language, 48825

learning, mobility, self-direction, capacity for independent 48826  
living, and, if the person is at least sixteen years of age, 48827  
capacity for economic self-sufficiency. 48828

(5) It causes the person to need a combination and sequence 48829  
of special, interdisciplinary, or other type of care, treatment, 48830  
or provision of services for an extended period of time that is 48831  
individually planned and coordinated for the person. 48832

(R) "Developmentally disabled person" means a person with a 48833  
developmental disability. 48834

(S) "State institution" means an institution that is 48835  
tax-supported and under the jurisdiction of the department. 48836

(T) "Residence" and "legal residence" have the same meaning 48837  
as "legal settlement," which is acquired by residing in Ohio for a 48838  
period of one year without receiving general assistance prior to 48839  
July 17, 1995, under former Chapter 5113. of the Revised Code, 48840  
financial assistance under Chapter 5115. of the Revised Code, or 48841  
assistance from a private agency that maintains records of 48842  
assistance given. A person having a legal settlement in the state 48843  
shall be considered as having legal settlement in the assistance 48844  
area in which the person resides. No adult person coming into this 48845  
state and having a spouse or minor children residing in another 48846  
state shall obtain a legal settlement in this state as long as the 48847  
spouse or minor children are receiving public assistance, care, or 48848  
support at the expense of the other state or its subdivisions. For 48849  
the purpose of determining the legal settlement of a person who is 48850  
living in a public or private institution or in a home subject to 48851  
licensing by the department of job and family services, the 48852  
department of mental health, or the department of mental 48853  
retardation and developmental disabilities, the residence of the 48854  
person shall be considered as though the person were residing in 48855  
the county in which the person was living prior to the person's 48856  
entrance into the institution or home. Settlement once acquired 48857



shall continue until a person has been continuously absent from 48858  
Ohio for a period of one year or has acquired a legal residence in 48859  
another state. A woman who marries a man with legal settlement in 48860  
any county immediately acquires the settlement of her husband. The 48861  
legal settlement of a minor is that of the parents, surviving 48862  
parent, sole parent, parent who is designated the residential 48863  
parent and legal custodian by a court, other adult having 48864  
permanent custody awarded by a court, or guardian of the person of 48865  
the minor, provided that: 48866

(1) A minor female who marries shall be considered to have 48867  
the legal settlement of her husband and, in the case of death of 48868  
her husband or divorce, she shall not thereby lose her legal 48869  
settlement obtained by the marriage. 48870

(2) A minor male who marries, establishes a home, and who has 48871  
resided in this state for one year without receiving general 48872  
assistance prior to July 17, 1995, under former Chapter 5113. of 48873  
the Revised Code, financial assistance under Chapter 5115. of the 48874  
Revised Code, or assistance from a private agency that maintains 48875  
records of assistance given shall be considered to have obtained a 48876  
legal settlement in this state. 48877

(3) The legal settlement of a child under eighteen years of 48878  
age who is in the care or custody of a public or private child 48879  
caring agency shall not change if the legal settlement of the 48880  
parent changes until after the child has been in the home of the 48881  
parent for a period of one year. 48882

No person, adult or minor, may establish a legal settlement 48883  
in this state for the purpose of gaining admission to any state 48884  
institution. 48885

(U)(1) "Resident" means, subject to division (R)(2) of this 48886  
section, a person who is admitted either voluntarily or 48887  
involuntarily to an institution or other facility pursuant to 48888

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. 5123.012.** (A) As used in this section:

(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised

Code. 48919

(2) "~~Handicapped preschool~~ Preschool child with a disability" 48920  
has the same meaning as in section 3323.01 of the Revised Code. 48921

(B) Except as provided in division (C) of this section, the 48922  
department of mental retardation and developmental disabilities 48923  
shall make eligibility determinations in accordance with the 48924  
definition of "developmental disability" in section 5123.01 of the 48925  
Revised Code. The department may adopt rules in accordance with 48926  
Chapter 119. of the Revised Code establishing eligibility for 48927  
programs and services for either of the following: 48928

(1) Individuals under age six who have a biological risk or 48929  
environmental risk of a developmental delay; 48930

(2) Any ~~handicapped~~ preschool child with a disability 48931  
eligible for services under section 3323.02 of the Revised Code 48932  
whose ~~handicap~~ disability is not attributable solely to mental 48933  
illness as defined in section 5122.01 of the Revised Code. 48934

(C)(1) The department shall make determinations of 48935  
eligibility for protective services in accordance with sections 48936  
5123.55 to 5123.59 of the Revised Code. 48937

(2) Determinations of whether a mentally retarded person is 48938  
subject to institutionalization by court order shall be made in 48939  
accordance with sections 5123.71 to 5123.76 of the Revised Code 48940  
and shall be based on the definition of "mentally retarded person 48941  
subject to institutionalization by court order" in section 5123.01 48942  
of the Revised Code. 48943

(3) All persons who were eligible for services and enrolled 48944  
in programs offered by the department of mental retardation and 48945  
developmental disabilities pursuant to this chapter on July 1, 48946  
1991, shall continue to be eligible for those services and to be 48947  
enrolled in those programs as long as they are in need of 48948  
services. 48949

Sec. 5123.033. The program fee fund is hereby created in the 48950  
state treasury. All fees collected pursuant to sections 5123.161, 48951  
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 48952  
credited to the fund. Money credited to the fund shall be used 48953  
solely for the department of mental retardation and developmental 48954  
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 48955  
and 5126.25 of the Revised Code and to provide continuing 48956  
education and professional training to employees of county boards 48957  
of mental retardation and developmental disabilities for the 48958  
purpose of section 5126.25 of the Revised Code and other providers 48959  
of services to individuals with mental retardation or a 48960  
developmental disability. If the money credited to the fund is 48961  
inadequate to pay all of the department's costs in performing 48962  
those duties and providing the continuing education and 48963  
professional training, the department may use other available 48964  
funds appropriated to the department to pay the remaining costs of 48965  
performing those duties and providing the continuing education and 48966  
professional training. 48967

**Sec. 5123.043.** (A) The director of mental retardation and 48968  
developmental disabilities shall adopt rules establishing 48969  
procedures for administrative resolution of complaints filed under 48970  
division (B) of this section and section 5126.06 of the Revised 48971  
Code. The rules shall be adopted in accordance with Chapter 119. 48972  
of the Revised Code. 48973

(B) Except as provided in division (C) of this section, any 48974  
person or county board of mental retardation and developmental 48975  
disabilities that has a complaint involving any of the programs, 48976  
services, policies, or administrative practices of the department 48977  
of mental retardation and developmental disabilities or any of the 48978  
entities under contract with the department, may file a complaint 48979  
with the department. Prior to commencing a civil action regarding 48980

the complaint, a person or county board shall attempt to have the 48981  
complaint resolved through the administrative resolution process 48982  
established in the rules adopted under this section. After 48983  
exhausting the administrative resolution process, the person or 48984  
county board may commence a civil action if the complaint is not 48985  
settled to the person's or county board's satisfaction. 48986

(C) An employee of the department may not file under this 48987  
section a complaint related to the terms and conditions of 48988  
employment for the employee. 48989

~~(D) This section does not apply to a conflict between a 48990  
county board of mental retardation and developmental disabilities 48991  
and a person or government entity that provides or seeks to 48992  
provide services to an individual with mental retardation or other 48993  
developmental disability. Section 5126.036 of the Revised Code 48994  
applies to such a conflict. 48995~~

**Sec. 5123.045.** No person or government entity shall receive 48996  
payment for providing home and community-based services unless the 48997  
person or government entity is one of the following: 48998

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 48999  
Code; 49000

(B) Licensed as a residential facility under section 5123.19 49001  
of the Revised Code. 49002

**Sec. 5123.046.** The department of mental retardation and 49003  
developmental disabilities shall review each component of the 49004  
three-calendar\_year plan it receives from a county board of mental 49005  
retardation and developmental disabilities under section 5126.054 49006  
of the Revised Code and, in consultation with the department of 49007  
job and family services and office of budget and management, 49008  
approve each component that includes all the information and 49009  
conditions specified in that section. The ~~fourth~~ third component 49010

of the plan shall be approved or disapproved not later than 49011  
forty-five days after the ~~fourth~~ third component is submitted to 49012  
the department ~~under division (B)(3) of section 5126.054 of the~~ 49013  
~~Revised Code~~. If the department approves all ~~four~~ three components 49014  
of the plan, the plan is approved. Otherwise, the plan is 49015  
disapproved. If the plan is disapproved, the department shall take 49016  
action against the county board under division (B) of section 49017  
5126.056 of the Revised Code. 49018

In approving plans under this section, the department shall 49019  
ensure that the aggregate of all plans provide for the increased 49020  
enrollment into home and community-based services during each 49021  
state fiscal year of at least five hundred individuals who did not 49022  
receive residential services, supported living, or home and 49023  
community-based services the prior state fiscal year if the 49024  
department has enough additional enrollment available for this 49025  
purpose. 49026

The department shall establish protocols that the department 49027  
shall use to determine whether a county board is complying with 49028  
the programmatic and financial accountability mechanisms and 49029  
achieving outcomes specified in its approved plan. If the 49030  
department determines that a county board is not in compliance 49031  
with the mechanisms or achieving the outcomes specified in its 49032  
approved plan, the department may take action under division (F) 49033  
of section 5126.055 of the Revised Code. 49034

**Sec. 5123.047.** ~~(A)~~ The department of mental retardation and 49035  
developmental disabilities shall pay the nonfederal share of 49036  
medicaid expenditures for medicaid case management services ~~if the~~ 49037  
~~services are provided to an individual with mental retardation or~~ 49038  
~~other developmental disability who a county board of mental~~ 49039  
~~retardation and developmental disabilities has determined under~~ 49040  
~~section 5126.041 of the Revised Code is not eligible for county~~ 49041

~~board services.~~ 49042

~~(B) The department shall pay the nonfederal share of medicaid expenditures for and home and community-based services if any of the following apply:~~ 49043  
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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;~~ 49046  
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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.~~ 49050  
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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.~~ 49058  
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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 49064  
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section 5126.0510 of the Revised Code to pay. The agreement shall 49073  
specify which home and community-based services the agreement 49074  
covers. The department shall pay the nonfederal share of medicaid 49075  
expenditures for the home and community-based services that the 49076  
agreement covers as long as the agreement is in effect. 49077

**Sec. 5123.049.** The director of mental retardation and 49078  
developmental disabilities shall adopt rules in accordance with 49079  
Chapter 119. of the Revised Code governing the authorization and 49080  
payment of home and community-based services and medicaid case 49081  
management services. The rules shall provide for private providers 49082  
of the services to receive one hundred per cent of the medicaid 49083  
allowable payment amount and for government providers of the 49084  
services to receive the federal share of the medicaid allowable 49085  
payment, less the amount withheld as a fee under section 5123.0412 49086  
of the Revised Code and any amount that may be required by rules 49087  
adopted under section 5123.0413 of the Revised Code to be 49088  
deposited into the state MR/DD risk fund. The rules shall 49089  
establish the process by which county boards of mental retardation 49090  
and developmental disabilities shall certify and provide the 49091  
nonfederal share of medicaid expenditures that the county board is 49092  
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 49093  
5126.0510 of the Revised Code to pay. The process shall require a 49094  
county board to certify that the county board has funding 49095  
available at one time for two months costs for those expenditures. 49096  
The process may permit a county board to certify that the county 49097  
board has funding available at one time for more than two months 49098  
costs for those expenditures. 49099

**Sec. 5123.0411.** The department of mental retardation and 49100  
developmental disabilities may bring a mandamus action against a 49101  
county board of mental retardation and developmental disabilities 49102  
that fails to pay the nonfederal share of medicaid expenditures 49103



that the county board is required by ~~division (A) of section~~ 49104  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 49105  
pay. The department may bring the mandamus action in the court of 49106  
common pleas of the county served by the county board or in the 49107  
Franklin county court of common pleas. 49108

Sec. 5123.0414. (A) When the director of mental retardation 49109  
and developmental disabilities, under section 119.07 of the 49110  
Revised Code, sends a party a notice by registered mail, return 49111  
receipt requested, that the director intends to take action 49112  
against the party authorized by section 5123.082, 5123.166, 49113  
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 49114  
Code and the notice is returned to the director with an 49115  
endorsement indicating that the notice was refused or unclaimed, 49116  
the director shall resend the notice by ordinary mail to the 49117  
party. 49118

(B) If the original notice was refused, the notice shall be 49119  
deemed received as of the date the director resends the notice. 49120

(C) If the original notice was unclaimed, the notice shall be 49121  
deemed received as of the date the director resends the notice 49122  
unless, not later than thirty days after the date the director 49123  
sent the original notice, the resent notice is returned to the 49124  
director for failure of delivery. 49125

If the notice concerns taking action under section 5123.51 of 49126  
the Revised Code and the resent notice is returned to the director 49127  
for failure of delivery not later than thirty days after the date 49128  
the director sent the original notice, the director shall cause 49129  
the notice to be published in a newspaper of general circulation 49130  
in the county of the party's last known residence or business and 49131  
shall mail a dated copy of the published notice to the party at 49132  
the last known address. The notice shall be deemed received as of 49133  
the date of the publication. 49134

If the notice concerns taking action under section 5123.082, 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.

Sec. 5123.0415. As used in this section, "license" means a license, certificate, or evidence of registration.

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.

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:

(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;

(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.

(B) The department shall make the expenditures required by

division (A)(2) of this section in the form of allocations to 49165  
county boards or by other means. If the department makes the 49166  
expenditures in the form of allocations, the process for making 49167  
the allocations shall conform to a process the department shall 49168  
establish after consulting with representatives of county boards. 49169

**Sec. 5123.051.** (A) If the department of mental retardation 49170  
and developmental disabilities determines pursuant to an audit 49171  
conducted under section 5123.05 of the Revised Code or a 49172  
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 49173  
Revised Code that money is owed the state by a provider of a 49174  
service or program, the department may enter into a payment 49175  
agreement with the provider. The agreement shall include the 49176  
following: 49177

(1) A schedule of installment payments whereby the money owed 49178  
the state is to be paid in full within a period not to exceed one 49179  
year; 49180

(2) A provision that the provider may pay the entire balance 49181  
owed at any time during the term of the agreement; 49182

(3) A provision that if any installment is not paid in full 49183  
within forty-five days after it is due, the entire balance owed is 49184  
immediately due and payable; 49185

(4) Any other terms and conditions that are agreed to by the 49186  
department and the provider. 49187

(B) The department may include a provision in a payment 49188  
agreement that requires the provider to pay interest on the money 49189  
owed the state. The department, in its discretion, shall determine 49190  
whether to require the payment of interest and, if it so requires, 49191  
the rate of interest. Neither the obligation to pay interest nor 49192  
the rate of interest is subject to negotiation between the 49193  
department and the provider. 49194

(C) If the provider fails to pay any installment in full within forty-five days after its due date, the department shall certify the entire balance owed to the attorney general for collection under section 131.02 of the Revised Code. The department may withhold funds from payments made to a provider under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a judgment secured by the attorney general.

(D) The purchase of service fund is hereby created. Money credited to the fund shall be used solely for purposes of section 5123.05 of the Revised Code.

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of the Revised Code:

(1) "Provider" means a person or government entity certified by the director of mental retardation and developmental disabilities to provide supported living.

(2) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse;

(vii) An employee or employer of the provider or provider's spouse.

<u>(b) In the case of a provider that is a person other than an individual, any of the following:</u>	49223
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<u>(i) An employee of the person;</u>	49225
<u>(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;</u>	49226
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<u>(iii) A member of the provider's board of directors or trustees;</u>	49229
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<u>(iv) A person owning a financial interest of five per cent or more in the provider;</u>	49231
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<u>(v) A corporation that has a subsidiary relationship with the provider;</u>	49233
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<u>(vi) A person or government entity that has control over the provider's day-to-day operation;</u>	49235
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<u>(vii) A person over which the provider has control of the day-to-day operation.</u>	49237
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<u>(c) In the case of a provider that is a government entity, any of the following:</u>	49239
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<u>(i) An employee of the provider;</u>	49241
<u>(ii) An officer of the provider;</u>	49242
<u>(iii) A member of the provider's governing board;</u>	49243
<u>(iv) A government entity that has control over the provider's day-to-day operation;</u>	49244
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<u>(v) A person or government entity over which the provider has control of the day-to-day operation.</u>	49246
	49247
<u>(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of mental retardation and developmental disabilities.</u>	49248
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(C) A county board of mental retardation and developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.169 of the Revised Code. 49251  
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Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of mental retardation and developmental disabilities for a supported living certificate. 49255  
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Except as provided in section 5123.166 of the Revised Code, the director shall issue the applicant a supported living certificate if the applicant follows the application process established in rules adopted under section 5123.169 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules. 49259  
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Sec. 5123.162. The director of mental retardation and developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section 5123.169 of the Revised Code. 49266  
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The records of surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity. 49275  
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Sec. 5123.163. A supported living certificate is valid for a period of time established in rules adopted under section 5123.169 49279  
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of the Revised Code, unless any of the following occur before the 49281  
end of that period of time: 49282

(A) The director of mental retardation and developmental 49283  
disabilities issues an order requiring that action be taken 49284  
against the certificate holder under section 5123.166 of the 49285  
Revised Code. 49286

(B) The director issues an order terminating the certificate 49287  
under section 5123.168 of the Revised Code. 49288

(C) The certificate holder voluntarily surrenders the 49289  
certificate to the director. 49290

Sec. 5123.164. Except as provided in section 5123.166 of the 49291  
Revised Code, the director of mental retardation and developmental 49292  
disabilities shall renew a supported living certificate if the 49293  
certificate holder follows the renewal process established in 49294  
rules adopted under section 5123.169 of the Revised Code, 49295  
continues to meet the applicable certification standards 49296  
established in those rules, and pays the renewal fee established 49297  
in those rules. 49298

Sec. 5123.165. (A) Except as provided in division (B) of this 49299  
section, no person or government entity may provide supported 49300  
living to an individual with mental retardation or a developmental 49301  
disability if the person or government entity or a related party 49302  
of the person or government entity also provides the individual a 49303  
residence. 49304

(B) A person may provide supported living to an individual 49305  
with mental retardation or a developmental disability even though 49306  
the person or a related party of the person also provides the 49307  
individual a residence if either of the following apply: 49308

(1) The person also resides in the residence with the 49309  
individual and does not provide at any one time supported living 49310

to more than a total of three individuals with mental retardation 49311  
or a developmental disability who reside in that residence; 49312

(2) The person is an association of family members related to 49313  
two or more of the individuals with mental retardation or a 49314  
developmental disability who reside in the residence and does not 49315  
provide at any one time supported living to more than a total of 49316  
four individuals with mental retardation or a developmental 49317  
disability who reside in that residence. 49318

**Sec. 5123.166.** (A) If good cause exists as specified in 49319  
division (B) of this section and determined in accordance with 49320  
procedures established in rules adopted under section 5123.169 of 49321  
the Revised Code, the director of mental retardation and 49322  
developmental disabilities may issue an adjudication order 49323  
requiring that one of the following actions be taken against a 49324  
person or government entity seeking or holding a supported living 49325  
certificate: 49326

(1) Refusal to issue or renew a supported living certificate; 49327

(2) Revocation of a supported living certificate; 49328

(3) Suspension of a supported living certificate holder's 49329  
authority to do either or both of the following: 49330

(a) Continue to provide supported living to one or more 49331  
individuals from one or more counties who receive supported living 49332  
from the certificate holder at the time the director takes the 49333  
action; 49334

(b) Begin to provide supported living to one or more 49335  
individuals from one or more counties who do not receive supported 49336  
living from the certificate holder at the time the director takes 49337  
the action. 49338

(B) The following constitute good cause for taking action 49339  
under division (A) of this section against a person or government 49340



<u>entity seeking or holding a supported living certificate:</u>	49341
<u>(1) The person or government entity's failure to meet or</u>	49342
<u>continue to meet the applicable certification standards</u>	49343
<u>established in rules adopted under section 5123.169 of the Revised</u>	49344
<u>Code;</u>	49345
<u>(2) The person or government entity violates section 5123.165</u>	49346
<u>of the Revised Code;</u>	49347
<u>(3) The person or government entity's failure to satisfy the</u>	49348
<u>requirements of section 5123.52, 5126.28, or 5126.281 of the</u>	49349
<u>Revised Code;</u>	49350
<u>(4) Misfeasance;</u>	49351
<u>(5) Malfeasance;</u>	49352
<u>(6) Nonfeasance;</u>	49353
<u>(7) Confirmed abuse or neglect;</u>	49354
<u>(8) Financial irresponsibility;</u>	49355
<u>(9) Other conduct the director determines is or would be</u>	49356
<u>injurious to individuals who receive or would receive supported</u>	49357
<u>living from the person or government entity.</u>	49358
<u>(C) Except as provided in division (D) of this section, the</u>	49359
<u>director shall issue an adjudication order under division (A) of</u>	49360
<u>this section in accordance with Chapter 119. of the Revised Code.</u>	49361
<u>(D)(1) The director may issue an order requiring that action</u>	49362
<u>specified in division (A)(3) of this section be taken before a</u>	49363
<u>provider is provided notice and an opportunity for a hearing if</u>	49364
<u>all of the following are the case:</u>	49365
<u>(a) The director determines such action is warranted by the</u>	49366
<u>provider's failure to continue to meet the applicable</u>	49367
<u>certification standards;</u>	49368
<u>(b) The director determines that the failure either</u>	49369

represents a pattern of serious noncompliance or creates a 49370  
substantial risk to the health or safety of an individual who 49371  
receives or would receive supported living from the provider; 49372

(c) If the order will suspend the provider's authority to 49373  
continue to provide supported living to an individual who receives 49374  
supported living from the provider at the time the director issues 49375  
the order, both of the following are the case: 49376

(i) The director makes the individual, or the individual's 49377  
guardian, aware of the director's determination under division 49378  
(D)(1)(b) of this section and the individual or guardian does not 49379  
select another provider. 49380

(ii) A county board of mental retardation and developmental 49381  
disabilities has filed a complaint with a probate court under 49382  
section 5123.33 of the Revised Code that includes facts describing 49383  
the nature of abuse or neglect that the individual has suffered 49384  
due to the provider's actions that are the basis for the director 49385  
making the determination under division (D)(1)(b) of this section 49386  
and the probate court does not issue an order authorizing the 49387  
county board to arrange services for the individual pursuant to an 49388  
individualized service plan developed for the individual under 49389  
section 5123.31 of the Revised Code. 49390

(2) If the director issues an order under division (D)(1) of 49391  
this section, sections 119.091 to 119.13 of the Revised Code and 49392  
all of the following apply: 49393

(a) The director shall send the provider notice of the order 49394  
by registered mail, return receipt requested, not later than 49395  
twenty-four hours after issuing the order and shall include in the 49396  
notice the reasons for the order, the citation to the law or rule 49397  
directly involved, and a statement that the provider will be 49398  
afforded a hearing if the provider requests it within ten days of 49399  
the time of receiving the notice. 49400

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. 49401  
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(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing. 49405  
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(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following: 49408  
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(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to. 49410  
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(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take. 49413  
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(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation. 49423  
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(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the 49429  
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director, in accordance with section 119.09 of the Revised Code, 49432  
sends a copy of the report and recommendation to the provider or 49433  
the provider's attorney or other representative of record. 49434

(3) The director may lift an order issued under division 49435  
(D)(1) of this section even though a hearing regarding the order 49436  
is occurring or pending if the director determines that the 49437  
provider has taken action eliminating the good cause for issuing 49438  
the order. The hearing shall proceed unless the provider withdraws 49439  
the request for the hearing in a written letter to the director. 49440

(4) The director shall lift an order issued under division 49441  
(D)(1) of this section if both of the following are the case: 49442

(a) The provider provides the director a plan of compliance 49443  
the director determines is acceptable. 49444

(b) The director determines that the provider has implemented 49445  
the plan of compliance correctly. 49446

**Sec. 5123.167.** If the director of mental retardation and 49447  
developmental disabilities issues an adjudication order under 49448  
section 5123.166 of the Revised Code refusing to issue a supported 49449  
living certificate to a person or government entity or to renew a 49450  
person or government entity's supported living certificate, 49451  
neither the person or government entity nor a related party of the 49452  
person or government entity may apply for another supported living 49453  
certificate earlier than the date that is one year after the date 49454  
the order is issued. If the director issues an adjudication order 49455  
under that section revoking a person or government entity's 49456  
supported living certificate, neither the person or government 49457  
entity nor a related party of the person or government entity may 49458  
apply for another supported living certificate earlier than the 49459  
date that is five years after the date the order is issued. 49460

**Sec. 5123.168.** The director of mental retardation and 49461

developmental disabilities may issue an adjudication order in 49462  
accordance with Chapter 119. of the Revised Code to terminate a 49463  
supported living certificate if the certificate holder has not 49464  
billed for supported living for twelve consecutive months. 49465

Sec. 5123.169. The director of mental retardation and 49466  
developmental disabilities shall adopt rules under Chapter 119. of 49467  
the Revised Code establishing all of the following: 49468

(A) The extent to which a county board of mental retardation 49469  
and developmental disabilities may provide supported living; 49470

(B) The application process for obtaining a supported living 49471  
certificate under section 5123.161 of the Revised Code; 49472

(C) The certification standards a person or government entity 49473  
must meet to obtain a supported living certificate to provide 49474  
supported living; 49475

(D) The certification fee for a supported living certificate, 49476  
which shall be deposited into the program fee fund created under 49477  
section 5123.033 of the Revised Code; 49478

(E) The period of time a supported living certificate is 49479  
valid; 49480

(F) The process for renewing a supported living certificate 49481  
under section 5123.164 of the Revised Code; 49482

(G) The renewal fee for a supported living certificate, which 49483  
shall be deposited into the program fee fund created under section 49484  
5123.033 of the Revised Code; 49485

(H) Procedures for conducting surveys under section 5123.162 49486  
of the Revised Code; 49487

(I) Procedures for determining whether there is good cause to 49488  
take action under section 5123.166 of the Revised Code against a 49489  
person or government entity seeking or holding a supported living 49490

certificate. 49491

**Sec. 5123.19.** (A) As used in this section and in sections 49492  
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 49493  
Code: 49494

(1)(a) "Residential facility" means a home or facility in 49495  
which a mentally retarded or developmentally disabled person 49496  
resides, except the home of a relative or legal guardian in which 49497  
a mentally retarded or developmentally disabled person resides, a 49498  
respite care home certified under section 5126.05 of the Revised 49499  
Code, a county home or district home operated pursuant to Chapter 49500  
5155. of the Revised Code, or a dwelling in which the only 49501  
mentally retarded or developmentally disabled residents are in an 49502  
independent living arrangement or are being provided supported 49503  
living. 49504

(b) "Intermediate care facility for the mentally retarded" 49505  
means a residential facility that is considered an intermediate 49506  
care facility for the mentally retarded for the purposes of 49507  
Chapter 5111. of the Revised Code. 49508

(2) "Political subdivision" means a municipal corporation, 49509  
county, or township. 49510

(3) "Independent living arrangement" means an arrangement in 49511  
which a mentally retarded or developmentally disabled person 49512  
resides in an individualized setting chosen by the person or the 49513  
person's guardian, which is not dedicated principally to the 49514  
provision of residential services for mentally retarded or 49515  
developmentally disabled persons, and for which no financial 49516  
support is received for rendering such service from any 49517  
governmental agency by a provider of residential services. 49518

(4) ~~"Supported living" has the same meaning as in section 49519  
5126.01 of the Revised Code.~~ 49520

~~(5)~~ "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of mental retardation and developmental disabilities unless the residential facility is subject to section 3721.02, 3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.

(C) Subject to section 5123.196 of the Revised Code, the director of mental retardation and developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily

surrendered. 49553

(D) If it is determined that an applicant or licensee is not 49554  
in compliance with a provision of this chapter that applies to 49555  
residential facilities or the rules adopted under such a 49556  
provision, the director may deny issuance of a license, refuse to 49557  
renew a license, terminate a license, revoke a license, issue an 49558  
order for the suspension of admissions to a facility, issue an 49559  
order for the placement of a monitor at a facility, issue an order 49560  
for the immediate removal of residents, or take any other action 49561  
the director considers necessary consistent with the director's 49562  
authority under this chapter regarding residential facilities. In 49563  
the director's selection and administration of the sanction to be 49564  
imposed, all of the following apply: 49565

(1) The director may deny, refuse to renew, or revoke a 49566  
license, if the director determines that the applicant or licensee 49567  
has demonstrated a pattern of serious noncompliance or that a 49568  
violation creates a substantial risk to the health and safety of 49569  
residents of a residential facility. 49570

(2) The director may terminate a license if more than twelve 49571  
consecutive months have elapsed since the residential facility was 49572  
last occupied by a resident or a notice required by division 49573  
~~(J)~~(K) of this section is not given. 49574

(3) The director may issue an order for the suspension of 49575  
admissions to a facility for any violation that may result in 49576  
sanctions under division (D)(1) of this section and for any other 49577  
violation specified in rules adopted under division ~~(G)~~(H)(2) of 49578  
this section. If the suspension of admissions is imposed for a 49579  
violation that may result in sanctions under division (D)(1) of 49580  
this section, the director may impose the suspension before 49581  
providing an opportunity for an adjudication under Chapter 119. of 49582  
the Revised Code. The director shall lift an order for the 49583  
suspension of admissions when the director determines that the 49584



violation that formed the basis for the order has been corrected. 49585

(4) The director may order the placement of a monitor at a 49586  
residential facility for any violation specified in rules adopted 49587  
under division ~~(G)~~(H)(2) of this section. The director shall lift 49588  
the order when the director determines that the violation that 49589  
formed the basis for the order has been corrected. 49590

(5) If the director determines that two or more residential 49591  
facilities owned or operated by the same person or government 49592  
entity are not being operated in compliance with a provision of 49593  
this chapter that applies to residential facilities or the rules 49594  
adopted under such a provision, and the director's findings are 49595  
based on the same or a substantially similar action, practice, 49596  
circumstance, or incident that creates a substantial risk to the 49597  
health and safety of the residents, the director shall conduct a 49598  
survey as soon as practicable at each residential facility owned 49599  
or operated by that person or government entity. The director may 49600  
take any action authorized by this section with respect to any 49601  
facility found to be operating in violation of a provision of this 49602  
chapter that applies to residential facilities or the rules 49603  
adopted under such a provision. 49604

(6) When the director initiates license revocation 49605  
proceedings, no opportunity for submitting a plan of correction 49606  
shall be given. The director shall notify the licensee by letter 49607  
of the initiation of the proceedings. The letter shall list the 49608  
deficiencies of the residential facility and inform the licensee 49609  
that no plan of correction will be accepted. The director shall 49610  
also ~~notify each affected resident, the resident's guardian if the~~ 49611  
~~resident is an adult for whom a guardian has been appointed, the~~ 49612  
~~resident's parent or guardian if the resident is a minor, and the~~ 49613  
~~county board of mental retardation and developmental disabilities~~ 49614  
send a copy of the letter to the county board of mental 49615  
retardation and developmental disabilities. The county board shall 49616

send a copy of the letter to each of the following: 49617

(a) Each resident who receives services from the licensee; 49618

(b) The guardian of each resident who receives services from 49619  
the licensee if the resident has a guardian; 49620

(c) The parent or guardian of each resident who receives 49621  
services from the licensee if the resident is a minor. 49622

(7) Pursuant to rules which shall be adopted in accordance 49623  
with Chapter 119. of the Revised Code, the director may order the 49624  
immediate removal of residents from a residential facility 49625  
whenever conditions at the facility present an immediate danger of 49626  
physical or psychological harm to the residents. 49627

(8) In determining whether a residential facility is being 49628  
operated in compliance with a provision of this chapter that 49629  
applies to residential facilities or the rules adopted under such 49630  
a provision, or whether conditions at a residential facility 49631  
present an immediate danger of physical or psychological harm to 49632  
the residents, the director may rely on information obtained by a 49633  
county board of mental retardation and developmental disabilities 49634  
or other governmental agencies. 49635

(9) In proceedings initiated to deny, refuse to renew, or 49636  
revoke licenses, the director may deny, refuse to renew, or revoke 49637  
a license regardless of whether some or all of the deficiencies 49638  
that prompted the proceedings have been corrected at the time of 49639  
the hearing. 49640

(E) The director shall establish a program under which public 49641  
notification may be made when the director has initiated license 49642  
revocation proceedings or has issued an order for the suspension 49643  
of admissions, placement of a monitor, or removal of residents. 49644  
The director shall adopt rules in accordance with Chapter 119. of 49645  
the Revised Code to implement this division. The rules shall 49646  
establish the procedures by which the public notification will be 49647

made and specify the circumstances for which the notification must 49648  
be made. The rules shall require that public notification be made 49649  
if the director has taken action against the facility in the 49650  
eighteen-month period immediately preceding the director's latest 49651  
action against the facility and the latest action is being taken 49652  
for the same or a substantially similar violation of a provision 49653  
of this chapter that applies to residential facilities or the 49654  
rules adopted under such a provision. The rules shall specify a 49655  
method for removing or amending the public notification if the 49656  
director's action is found to have been unjustified or the 49657  
violation at the residential facility has been corrected. 49658

(F)(1) Except as provided in division (F)(2) of this section, 49659  
appeals from proceedings initiated to impose a sanction under 49660  
division (D) of this section shall be conducted in accordance with 49661  
Chapter 119. of the Revised Code. 49662

(2) Appeals from proceedings initiated to order the 49663  
suspension of admissions to a facility shall be conducted in 49664  
accordance with Chapter 119. of the Revised Code, unless the order 49665  
was issued before providing an opportunity for an adjudication, in 49666  
which case all of the following apply: 49667

(a) The licensee may request a hearing not later than ten 49668  
days after receiving the notice specified in section 119.07 of the 49669  
Revised Code. 49670

(b) If a timely request for a hearing that includes the 49671  
licensee's current address is made, the hearing shall commence not 49672  
later than thirty days after the department receives the request. 49673

(c) After commencing, the hearing shall continue 49674  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 49675  
unless other interruptions are agreed to by the licensee and the 49676  
director. 49677

(d) If the hearing is conducted by a hearing examiner, the 49678

hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(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.

(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.

~~(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.

~~(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.

(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.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;

(8) The maximum number of persons who may be served in a particular type of residential facility;

(9) Uniform procedures for admission of persons to and

transfers and discharges of persons from residential facilities; 49739

(10) Other standards for the operation of residential 49740  
facilities and the services provided at residential facilities; 49741

(11) Procedures for waiving any provision of any rule adopted 49742  
under this section. 49743

~~(H)~~(I) Before issuing a license, the director of the 49744  
department or the director's designee shall conduct a survey of 49745  
the residential facility for which application is made. The 49746  
director or the director's designee shall conduct a survey of each 49747  
licensed residential facility at least once during the period the 49748  
license is valid and may conduct additional inspections as needed. 49749  
A survey includes but is not limited to an on-site examination and 49750  
evaluation of the residential facility, its personnel, and the 49751  
services provided there. 49752

In conducting surveys, the director or the director's 49753  
designee shall be given access to the residential facility; all 49754  
records, accounts, and any other documents related to the 49755  
operation of the facility; the licensee; the residents of the 49756  
facility; and all persons acting on behalf of, under the control 49757  
of, or in connection with the licensee. The licensee and all 49758  
persons on behalf of, under the control of, or in connection with 49759  
the licensee shall cooperate with the director or the director's 49760  
designee in conducting the survey. 49761

Following each survey, unless the director initiates a 49762  
license revocation proceeding, the director or the director's 49763  
designee shall provide the licensee with a report listing any 49764  
deficiencies, specifying a timetable within which the licensee 49765  
shall submit a plan of correction describing how the deficiencies 49766  
will be corrected, and, when appropriate, specifying a timetable 49767  
within which the licensee must correct the deficiencies. After a 49768  
plan of correction is submitted, the director or the director's 49769

designee shall approve or disapprove the plan. A copy of the 49770  
report and any approved plan of correction shall be provided to 49771  
any person who requests it. 49772

The director shall initiate disciplinary action against any 49773  
department employee who notifies or causes the notification to any 49774  
unauthorized person of an unannounced survey of a residential 49775  
facility by an authorized representative of the department. 49776

~~(I)~~(J) In addition to any other information which may be 49777  
required of applicants for a license pursuant to this section, the 49778  
director shall require each applicant to provide a copy of an 49779  
approved plan for a proposed residential facility pursuant to 49780  
section 5123.042 of the Revised Code. This division does not apply 49781  
to renewal of a license. 49782

~~(J)~~(K) A licensee shall notify the owner of the building in 49783  
which the licensee's residential facility is located of any 49784  
significant change in the identity of the licensee or management 49785  
contractor before the effective date of the change if the licensee 49786  
is not the owner of the building. 49787

Pursuant to rules which shall be adopted in accordance with 49788  
Chapter 119. of the Revised Code, the director may require 49789  
notification to the department of any significant change in the 49790  
ownership of a residential facility or in the identity of the 49791  
licensee or management contractor. If the director determines that 49792  
a significant change of ownership is proposed, the director shall 49793  
consider the proposed change to be an application for development 49794  
by a new operator pursuant to section 5123.042 of the Revised Code 49795  
and shall advise the applicant within sixty days of the 49796  
notification that the current license shall continue in effect or 49797  
a new license will be required pursuant to this section. If the 49798  
director requires a new license, the director shall permit the 49799  
facility to continue to operate under the current license until 49800  
the new license is issued, unless the current license is revoked, 49801

refused to be renewed, or terminated in accordance with Chapter 49802  
119. of the Revised Code. 49803

~~(K)~~(L) A county board of mental retardation and developmental 49804  
disabilities, the legal rights service, and any interested person 49805  
may file complaints alleging violations of statute or department 49806  
rule relating to residential facilities with the department. All 49807  
complaints shall be in writing and shall state the facts 49808  
constituting the basis of the allegation. The department shall not 49809  
reveal the source of any complaint unless the complainant agrees 49810  
in writing to waive the right to confidentiality or until so 49811  
ordered by a court of competent jurisdiction. 49812

The department shall adopt rules in accordance with Chapter 49813  
119. of the Revised Code establishing procedures for the receipt, 49814  
referral, investigation, and disposition of complaints filed with 49815  
the department under this division. 49816

~~(L)~~(M) The department shall establish procedures for the 49817  
notification of interested parties of the transfer or interim care 49818  
of residents from residential facilities that are closing or are 49819  
losing their license. 49820

~~(M)~~(N) Before issuing a license under this section to a 49821  
residential facility that will accommodate at any time more than 49822  
one mentally retarded or developmentally disabled individual, the 49823  
director shall, by first class mail, notify the following: 49824

(1) If the facility will be located in a municipal 49825  
corporation, the clerk of the legislative authority of the 49826  
municipal corporation; 49827

(2) If the facility will be located in unincorporated 49828  
territory, the clerk of the appropriate board of county 49829  
commissioners and the fiscal officer of the appropriate board of 49830  
township trustees. 49831

The director shall not issue the license for ten days after 49832



mailing the notice, excluding Saturdays, Sundays, and legal 49833  
holidays, in order to give the notified local officials time in 49834  
which to comment on the proposed issuance. 49835

Any legislative authority of a municipal corporation, board 49836  
of county commissioners, or board of township trustees that 49837  
receives notice under this division of the proposed issuance of a 49838  
license for a residential facility may comment on it in writing to 49839  
the director within ten days after the director mailed the notice, 49840  
excluding Saturdays, Sundays, and legal holidays. If the director 49841  
receives written comments from any notified officials within the 49842  
specified time, the director shall make written findings 49843  
concerning the comments and the director's decision on the 49844  
issuance of the license. If the director does not receive written 49845  
comments from any notified local officials within the specified 49846  
time, the director shall continue the process for issuance of the 49847  
license. 49848

~~(N)~~(O) Any person may operate a licensed residential facility 49849  
that provides room and board, personal care, habilitation 49850  
services, and supervision in a family setting for at least six but 49851  
not more than eight persons with mental retardation or a 49852  
developmental disability as a permitted use in any residential 49853  
district or zone, including any single-family residential district 49854  
or zone, of any political subdivision. These residential 49855  
facilities may be required to comply with area, height, yard, and 49856  
architectural compatibility requirements that are uniformly 49857  
imposed upon all single-family residences within the district or 49858  
zone. 49859

~~(O)~~(P) Any person may operate a licensed residential facility 49860  
that provides room and board, personal care, habilitation 49861  
services, and supervision in a family setting for at least nine 49862  
but not more than sixteen persons with mental retardation or a 49863  
developmental disability as a permitted use in any multiple-family 49864

residential district or zone of any political subdivision, except 49865  
that a political subdivision that has enacted a zoning ordinance 49866  
or resolution establishing planned unit development districts may 49867  
exclude these residential facilities from those districts, and a 49868  
political subdivision that has enacted a zoning ordinance or 49869  
resolution may regulate these residential facilities in 49870  
multiple-family residential districts or zones as a conditionally 49871  
permitted use or special exception, in either case, under 49872  
reasonable and specific standards and conditions set out in the 49873  
zoning ordinance or resolution to: 49874

(1) Require the architectural design and site layout of the 49875  
residential facility and the location, nature, and height of any 49876  
walls, screens, and fences to be compatible with adjoining land 49877  
uses and the residential character of the neighborhood; 49878

(2) Require compliance with yard, parking, and sign 49879  
regulation; 49880

(3) Limit excessive concentration of these residential 49881  
facilities. 49882

~~(P)~~(Q) This section does not prohibit a political subdivision 49883  
from applying to residential facilities nondiscriminatory 49884  
regulations requiring compliance with health, fire, and safety 49885  
regulations and building standards and regulations. 49886

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 49887  
applicable to municipal corporations that had in effect on June 49888  
15, 1977, an ordinance specifically permitting in residential 49889  
zones licensed residential facilities by means of permitted uses, 49890  
conditional uses, or special exception, so long as such ordinance 49891  
remains in effect without any substantive modification. 49892

~~(R)~~(S)(1) The director may issue an interim license to 49893  
operate a residential facility to an applicant for a license under 49894  
this section if either of the following is the case: 49895

(a) The director determines that an emergency exists 49896  
requiring immediate placement of persons in a residential 49897  
facility, that insufficient licensed beds are available, and that 49898  
the residential facility is likely to receive a permanent license 49899  
under this section within thirty days after issuance of the 49900  
interim license. 49901

(b) The director determines that the issuance of an interim 49902  
license is necessary to meet a temporary need for a residential 49903  
facility. 49904

(2) To be eligible to receive an interim license, an 49905  
applicant must meet the same criteria that must be met to receive 49906  
a permanent license under this section, except for any differing 49907  
procedures and time frames that may apply to issuance of a 49908  
permanent license. 49909

(3) An interim license shall be valid for thirty days and may 49910  
be renewed by the director for a period not to exceed one hundred 49911  
fifty days. 49912

(4) The director shall adopt rules in accordance with Chapter 49913  
119. of the Revised Code as the director considers necessary to 49914  
administer the issuance of interim licenses. 49915

~~(S)~~(T) Notwithstanding rules adopted pursuant to this section 49916  
establishing the maximum number of persons who may be served in a 49917  
particular type of residential facility, a residential facility 49918  
shall be permitted to serve the same number of persons being 49919  
served by the facility on the effective date of the rules or the 49920  
number of persons for which the facility is authorized pursuant to 49921  
a current application for a certificate of need with a letter of 49922  
support from the department of mental retardation and 49923  
developmental disabilities and which is in the review process 49924  
prior to April 4, 1986. 49925

~~(F)~~(U) The director or the director's designee may enter at 49926

any time, for purposes of investigation, any home, facility, or 49927  
other structure that has been reported to the director or that the 49928  
director has reasonable cause to believe is being operated as a 49929  
residential facility without a license issued under this section. 49930

The director may petition the court of common pleas of the 49931  
county in which an unlicensed residential facility is located for 49932  
an order enjoining the person or governmental agency operating the 49933  
facility from continuing to operate without a license. The court 49934  
may grant the injunction on a showing that the person or 49935  
governmental agency named in the petition is operating a 49936  
residential facility without a license. The court may grant the 49937  
injunction, regardless of whether the residential facility meets 49938  
the requirements for receiving a license under this section. 49939

**Sec. 5123.196.** (A) Except as provided in division (F) of this 49940  
section, the director of mental retardation and developmental 49941  
disabilities shall not issue a license under section 5123.19 of 49942  
the Revised Code on or after July 1, 2003, if issuance will result 49943  
in there being more beds in all residential facilities licensed 49944  
under that section than is permitted under division (B) of this 49945  
section. 49946

(B) Except as provided in division (D) of this section, the 49947  
maximum number of beds for the purpose of division (A) of this 49948  
section shall not exceed ten thousand eight hundred thirty-eight 49949  
minus, except as provided in division (C) of this section, both of 49950  
the following: 49951

(1) The number of such beds that cease to be residential 49952  
facility beds on or after July 1, 2003, because a residential 49953  
facility license is revoked, terminated, or not renewed for any 49954  
reason or is surrendered in accordance with section 5123.19 of the 49955  
Revised Code and after the issuance of an adjudication order 49956  
pursuant to Chapter 119. of the Revised Code; 49957

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003. 49958  
49959

(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. 49960  
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(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: 49971  
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(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code; 49974  
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(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code. 49976  
49977

(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. 49978  
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(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. 49981  
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Sec. 5123.198. (A) As used in this section, "date of the  
commitment" means the date that an individual specified in  
division (B) of this section begins to reside in a state-operated  
intermediate care facility for the mentally retarded after being  
committed to the facility pursuant to sections 5123.71 to 5123.76  
of the Revised Code.

(B) Except as provided in division (C) of this section,  
whenever a resident of a residential facility is committed to a  
state-operated intermediate care facility for the mentally  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised  
Code, the department of mental retardation and developmental  
disabilities, pursuant to an adjudication order issued in  
accordance with Chapter 119. of the Revised Code, shall reduce by  
one the number of residents for which the facility in which the  
resident resided is licensed.

(C) The department shall not reduce under division (B) of  
this section the number of residents for which a residential  
facility is licensed if any of the following are the case:

(1) The resident of the residential facility who is committed  
to a state-operated intermediate care facility for the mentally  
retarded resided in the residential facility because of the  
closure, on or after ~~the effective date of this section~~ June 26,  
2003, of another state-operated intermediate care facility for the  
mentally retarded;

(2) The residential facility admits within ninety days of the  
date of the commitment an individual who resides on the date of  
the commitment in a state-operated intermediate care facility for  
the mentally retarded or another residential facility;

(3) The department fails to do either of the following within  
ninety days of the date of the commitment:

(a) Identify an individual to whom all of the following	50019
applies:	50020
(i) Resides on the date of the commitment in a state-operated	50021
intermediate care facility for the mentally retarded or another	50022
residential facility;	50023
(ii) Has indicated to the department an interest in	50024
relocating to the residential facility or has a parent or guardian	50025
who has indicated to the department an interest for the individual	50026
to relocate to the residential facility;	50027
(iii) The department determines the individual has needs that	50028
the residential facility can meet.	50029
(b) Provide the residential facility with information about	50030
the individual identified under division (C)(2)(a) of this section	50031
that the residential facility needs in order to determine whether	50032
the facility can meet the individual's needs.	50033
(4) If the department completes the actions specified in	50034
divisions (C)(3)(a) and (b) of this section not later than ninety	50035
days after the date of the commitment and except as provided in	50036
division (D) of this section, the residential facility does all of	50037
the following not later than ninety days after the date of the	50038
commitment:	50039
(a) Evaluates the information provided by the department;	50040
(b) Assesses the identified individual's needs;	50041
(c) Determines that the residential facility cannot meet the	50042
identified individual's needs.	50043
(5) If the department completes the actions specified in	50044
divisions (C)(3)(a) and (b) of this section not later than ninety	50045
days after the date of the commitment and the residential facility	50046
determines that the residential facility can meet the identified	50047
individual's needs, the individual, or a parent or guardian of the	50048

individual, refuses placement in the residential facility. 50049

(D) The department may reduce under division (B) of this 50050  
section the number of residents for which a residential facility 50051  
is licensed even though the residential facility completes the 50052  
actions specified in division (C)(4) of this section not later 50053  
than ninety days after the date of the commitment if all of the 50054  
following are the case: 50055

(1) The department disagrees with the residential facility's 50056  
determination that the residential facility cannot meet the 50057  
identified individual's needs. 50058

(2) The department issues a written decision pursuant to the 50059  
uniform procedures for admissions, transfers, and discharges 50060  
established by rules adopted under division ~~(G)~~(H)(9) of section 50061  
5123.19 of the Revised Code that the residential facility should 50062  
admit the identified individual. 50063

(3) After the department issues the written decision 50064  
specified in division (D)(2) of this section, the residential 50065  
facility refuses to admit the identified individual. 50066

(E) A residential facility that admits, refuses to admit, 50067  
transfers, or discharges a resident under this section shall 50068  
comply with the uniform procedures for admissions, transfers, and 50069  
discharges established by rules adopted under division ~~(G)~~(H)(9) 50070  
of section 5123.19 of the Revised Code. 50071

(F) The department of mental retardation and developmental 50072  
disabilities may notify the department of job and family services 50073  
of any reduction under this section in the number of residents for 50074  
which a residential facility that is an intermediate care facility 50075  
for the mentally retarded is licensed. On receiving the notice, 50076  
the department of job and family services may transfer to the 50077  
department of mental retardation and developmental disabilities 50078  
the savings in the nonfederal share of medicaid expenditures for 50079



each fiscal year after the year of the commitment to be used for 50080  
costs of the resident's care in the state-operated intermediate 50081  
care facility for the mentally retarded. In determining the amount 50082  
saved, the department of job and family services shall consider 50083  
medicaid payments for the remaining residents of the facility in 50084  
which the resident resided. 50085

~~Sec. 5123.20. As used in this section, "supported living" has 50086  
the same meaning as in section 5126.01 of the Revised Code. 50087~~

No person or government agency shall operate a residential 50088  
facility or receive a mentally retarded or developmentally 50089  
disabled person as a resident of a residential facility unless the 50090  
facility is licensed under section 5123.19 of the Revised Code, 50091  
and no person or governmental agency shall operate a respite care 50092  
home or receive a mentally retarded or developmentally disabled 50093  
person in a respite care home unless the home is certified under 50094  
section 5126.05 of the Revised Code. 50095

~~No person or government agency shall provide supported living 50096  
unless that person or government agency is certified under section 50097  
5126.431 of the Revised Code. 50098~~

**Sec. 5123.211.** (A) As used in this section, "residential 50099  
services" and "~~supported living~~" have has the same meanings 50100  
meaning as in section 5126.01 of the Revised Code. 50101

(B) The department of mental retardation and developmental 50102  
disabilities shall provide or arrange provision of residential 50103  
services for each person who, on or after July 1, 1989, ceases to 50104  
be a resident of a state institution because of closure of the 50105  
institution or a reduction in the institution's population by 50106  
forty per cent or more within a period of one year. The services 50107  
shall be provided in the county in which the person chooses to 50108  
reside and shall consist of one of the following as determined 50109

appropriate by the department in consultation with the county 50110  
board of mental retardation and developmental disabilities of the 50111  
county in which the services are to be provided: 50112

(1) Residential services provided pursuant to section 5123.18 50113  
of the Revised Code; 50114

(2) ~~Supported living provided pursuant to section 5123.182 of~~ 50115  
~~the Revised Code;~~ 50116

~~(3)~~ Residential services for which reimbursement is made 50117  
under the medical assistance program established under section 50118  
5111.01 of the Revised Code; 50119

~~(4)~~(3) Residential services provided in a manner or setting 50120  
approved by the director of mental retardation and developmental 50121  
disabilities. 50122

(C) Not less than six months prior to closing a state 50123  
institution or reducing a state institution's population by forty 50124  
per cent or more within a period of one year, the department shall 50125  
identify those counties in which individuals leaving the 50126  
institution have chosen to reside and notify the county boards of 50127  
mental retardation and developmental disabilities in those 50128  
counties of the need to develop the services specified in division 50129  
(B) of this section. The notice shall specify the number of 50130  
individuals requiring services who plan to reside in the county 50131  
and indicate the amount of funds the department will use to 50132  
provide or arrange services for those individuals. 50133

(D) In each county in which one or more persons receive 50134  
residential services pursuant to division (B) of this section, the 50135  
department shall provide or arrange provision of residential 50136  
services, or shall distribute moneys to the county board of mental 50137  
retardation and developmental disabilities to provide or arrange 50138  
provision of residential services, for an equal number of persons 50139  
with mental retardation or developmental disabilities in that 50140

county who the county board has determined need residential 50141  
services but are not receiving them. 50142

**Sec. 5123.38.** (A) Except as provided in division (B) and (C) 50143  
of this section, if an individual receiving supported living or 50144  
home and community-based services, ~~as defined in section 5126.01~~ 50145  
~~of the Revised Code,~~ funded by a county board of mental 50146  
retardation and developmental disabilities is committed to a 50147  
state-operated intermediate care facility for the mentally 50148  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 50149  
Code, the department of mental retardation and developmental 50150  
disabilities shall use the funds otherwise allocated to the county 50151  
board as the nonfederal share of medicaid expenditures for the 50152  
individual's care in the state-operated facility. 50153

(B) Division (A) of this section does not apply if the county 50154  
board, not later than ninety days after the date of the commitment 50155  
of a person receiving supported services, commences funding of 50156  
supported living for an individual who resides in a state-operated 50157  
intermediate care facility for the mentally retarded on the date 50158  
of the commitment or another eligible individual designated by the 50159  
department. 50160

(C) Division (A) of this section does not apply if the county 50161  
board, not later than ninety days after the date of the commitment 50162  
of a person receiving home and community-based services, commences 50163  
funding of home and community-based services for an individual who 50164  
resides in a state-operated intermediate care facility for the 50165  
mentally retarded on the date of the commitment or another 50166  
eligible individual designated by the department. 50167

**Sec. 5123.41.** As used in this section and sections 5123.42 to 50168  
5123.47 of the Revised Code: 50169

(A) "Adult services" has the same meaning as in section 50170

5126.01 of the Revised Code.	50171
<del>(B) "Certified home and community based services provider"</del>	50172
<del>means a person or government entity certified under section</del>	50173
<del>5123.16 of the Revised Code.</del>	50174
<del>(C)</del> "Certified supported living provider" means a person or	50175
government entity certified under section <del>5126.431</del> <u>5123.161</u> of the	50176
Revised Code.	50177
<del>(D)</del> <u>(C)</u> "Drug" has the same meaning as in section 4729.01 of	50178
the Revised Code.	50179
<del>(E)</del> <u>(D)</u> "Family support services" has the same meaning as in	50180
section 5126.01 of the Revised Code.	50181
<del>(F)</del> <u>(E)</u> "Health-related activities" means the following:	50182
(1) Taking vital signs;	50183
(2) Application of clean dressings that do not require health	50184
assessment;	50185
(3) Basic measurement of bodily intake and output;	50186
(4) Oral suctioning;	50187
(5) Use of glucometers;	50188
(6) External urinary catheter care;	50189
(7) Emptying and replacing colostomy bags;	50190
(8) Collection of specimens by noninvasive means.	50191
<del>(G)</del> <u>(F)</u> "Licensed health professional authorized to prescribe	50192
drugs" has the same meaning as in section 4729.01 of the Revised	50193
Code.	50194
<del>(H) "Medicaid" has the same meaning as in section 5111.01 of</del>	50195
<del>the Revised Code.</del>	50196
<del>(I)</del> <u>(G)</u> "MR/DD personnel" means the employees and the workers	50197
under contract who provide specialized services to individuals	50198

with mental retardation and developmental disabilities. "MR/DD  
personnel" includes those who provide the services as follows: 50199  
50200

(1) Through direct employment with the department of mental 50201  
retardation and developmental disabilities or a county board of 50202  
mental retardation and developmental disabilities; 50203

(2) Through an entity under contract with the department of 50204  
mental retardation and developmental disabilities or a county 50205  
board of mental retardation and developmental disabilities; 50206

(3) Through direct employment or by being under contract with 50207  
private entities, including private entities that operate 50208  
residential facilities. 50209

~~(J)~~(H) "Nursing delegation" means the process established in 50210  
rules adopted by the board of nursing pursuant to Chapter 4723. of 50211  
the Revised Code under which a registered nurse or licensed 50212  
practical nurse acting at the direction of a registered nurse 50213  
transfers the performance of a particular nursing activity or task 50214  
to another person who is not otherwise authorized to perform the 50215  
activity or task. 50216

~~(K)~~(I) "Prescribed medication" means a drug that is to be 50217  
administered according to the instructions of a licensed health 50218  
professional authorized to prescribe drugs. 50219

~~(L)~~(J) "Residential facility" means a facility licensed under 50220  
section 5123.19 of the Revised Code or subject to section 5123.192 50221  
of the Revised Code. 50222

~~(M)~~(K) "Specialized services" has the same meaning as in 50223  
section 5123.50 of the Revised Code. 50224

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an 50225  
individual through a gastrostomy tube or a jejunostomy tube. 50226

**Sec. 5123.51.** (A) In addition to any other action required by 50227  
sections 5123.61 and 5126.31 of the Revised Code, the department 50228

of mental retardation and developmental disabilities shall review 50229  
each report the department receives of abuse or neglect of an 50230  
individual with mental retardation or a developmental disability 50231  
or misappropriation of an individual's property that includes an 50232  
allegation that an MR/DD employee committed or was responsible for 50233  
the abuse, neglect, or misappropriation. The department shall 50234  
review a report it receives from a public children services agency 50235  
only after the agency completes its investigation pursuant to 50236  
section 2151.421 of the Revised Code. On receipt of a notice under 50237  
section 2930.061 or 5123.541 of the Revised Code, the department 50238  
shall review the notice. 50239

50240

(B) The department shall do both of the following: 50241

(1) Investigate the allegation or adopt the findings of an 50242  
investigation or review of the allegation conducted by another 50243  
person or government entity and determine whether there is a 50244  
reasonable basis for the allegation; 50245

(2) If the department determines that there is a reasonable 50246  
basis for the allegation, conduct an adjudication pursuant to 50247  
Chapter 119. of the Revised Code. 50248

(C)(1) The department shall appoint an independent hearing 50249  
officer to conduct any hearing conducted pursuant to division 50250  
(B)(2) of this section, except that, if the hearing is regarding 50251  
an employee of the department who is represented by a union, the 50252  
department and a representative of the union shall jointly select 50253  
the hearing officer. 50254

(2)(a) Except as provided in division (C)(2)(b) of this 50255  
section, no hearing shall be conducted under division (B)(2) of 50256  
this section until any criminal proceeding or collective 50257  
bargaining arbitration concerning the same allegation has 50258  
concluded. 50259

(b) The department may conduct a hearing pursuant to division 50260  
(B)(2) of this section before a criminal proceeding concerning the 50261  
same allegation is concluded if both of the following are the 50262  
case: 50263

(i) The department notifies the prosecutor responsible for 50264  
the criminal proceeding that the department proposes to conduct a 50265  
hearing. 50266

(ii) The prosecutor consents to the hearing. 50267

(3) In conducting a hearing pursuant to division (B)(2) of 50268  
this section, the hearing officer shall do all of the following: 50269

(a) Determine whether there is clear and convincing evidence 50270  
that the MR/DD employee has done any of the following: 50271

(i) Misappropriated property of one or more individuals with 50272  
mental retardation or a developmental disability that has a value, 50273  
either separately or taken together, of one hundred dollars or 50274  
more; 50275

(ii) Misappropriated property of an individual with mental 50276  
retardation or a developmental disability that is designed to be 50277  
used as a check, draft, negotiable instrument, credit card, charge 50278  
card, or device for initiating an electronic fund transfer at a 50279  
point of sale terminal, automated teller machine, or cash 50280  
dispensing machine; 50281

(iii) Knowingly abused such an individual; 50282

(iv) Recklessly abused or neglected such an individual, with 50283  
resulting physical harm; 50284

(v) Negligently abused or neglected such an individual, with 50285  
resulting serious physical harm; 50286

(vi) Recklessly neglected such an individual, creating a 50287  
substantial risk of serious physical harm; 50288

(vii) Engaged in sexual conduct or had sexual contact with an 50289

individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care;

(viii) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability.

(b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation;

(c) Give weight to any relevant facts presented at the hearing.

(D)(1) Unless the director of mental retardation and developmental disabilities determines that there are extenuating circumstances and except as provided in division (E) of this section, if the director, after considering all of the factors listed in division (C)(3) of this section, finds that there is clear and convincing evidence that an MR/DD employee has done one or more of the things described in division (C)(3)(a) of this section the director shall include the name of the employee in the registry established under section 5123.52 of the Revised Code.

(2) Extenuating circumstances the director must consider include the use of physical force by an MR/DD employee that was necessary as self-defense.

(3) If the director includes an MR/DD employee in the registry established under section 5123.52 of the Revised Code, the director shall notify the employee, the person or government entity that employs or contracts with the employee, the individual with mental retardation or a developmental disability who was the subject of the report and that individual's legal guardian, if



any, the attorney general, and the prosecuting attorney or other 50321  
law enforcement agency. If the MR/DD employee holds a license, 50322  
certificate, registration, or other authorization to engage in a 50323  
profession issued pursuant to Title XLVII of the Revised Code, the 50324  
director shall notify the appropriate agency, board, department, 50325  
or other entity responsible for regulating the employee's 50326  
professional practice. 50327

(4) If an individual whose name appears on the registry is 50328  
involved in a court proceeding or arbitration arising from the 50329  
same facts as the allegation resulting in the individual's 50330  
placement on the registry, the disposition of the proceeding or 50331  
arbitration shall be noted in the registry next to the 50332  
individual's name. 50333

(E) In the case of an allegation concerning an employee of 50334  
the department, after the hearing conducted pursuant to division 50335  
(B)(2) of this section, the director of health or that director's 50336  
designee shall review the decision of the hearing officer to 50337  
determine whether the standard described in division (C)(3) of 50338  
this section has been met. If the director or designee determines 50339  
that the standard has been met and that no extenuating 50340  
circumstances exist, the director or designee shall notify the 50341  
director of mental retardation and developmental disabilities that 50342  
the MR/DD employee is to be included in the registry established 50343  
under section 5123.52 of the Revised Code. If the director of 50344  
mental retardation and developmental disabilities receives such 50345  
notification, the director shall include the MR/DD employee in the 50346  
registry and shall provide the notification described in division 50347  
(D)(3) of this section. 50348

(F) If the department is required by Chapter 119. of the 50349  
Revised Code to give notice of an opportunity for a hearing and 50350  
the MR/DD employee subject to the notice does not timely request a 50351  
hearing in accordance with section 119.07 or 5123.0414 of the 50352

Revised Code, the department is not required to hold a hearing. 50353

(G) Files and records of investigations conducted pursuant to 50354  
this section are not public records as defined in section 149.43 50355  
of the Revised Code, but, on request, the department shall provide 50356  
copies of those files and records to the attorney general, a 50357  
prosecuting attorney, or a law enforcement agency. 50358

**Sec. 5123.60.** (A) A legal rights service is hereby created 50359  
and established to protect and advocate the rights of mentally ill 50360  
persons, mentally retarded persons, developmentally disabled 50361  
persons, and other disabled persons who may be represented by the 50362  
service pursuant to division (L) of this section; to receive and 50363  
act upon complaints concerning institutional and hospital 50364  
practices and conditions of institutions for mentally retarded or 50365  
developmentally disabled persons and hospitals for the mentally 50366  
ill; and to assure that all persons detained, hospitalized, 50367  
discharged, or institutionalized, and all persons whose detention, 50368  
hospitalization, discharge, or institutionalization is sought or 50369  
has been sought under this chapter or Chapter 5122. of the Revised 50370  
Code are fully informed of their rights and adequately represented 50371  
by counsel in proceedings under this chapter or Chapter 5122. of 50372  
the Revised Code and in any proceedings to secure the rights of 50373  
those persons. Notwithstanding the definitions of "mentally 50374  
retarded person" and "developmentally disabled person" in section 50375  
5123.01 of the Revised Code, the legal rights service shall 50376  
determine who is a mentally retarded or developmentally disabled 50377  
person for purposes of this section and sections 5123.601 to 50378  
5123.604 of the Revised Code. 50379

(B)(1) In regard to those persons detained, hospitalized, or 50380  
institutionalized under Chapter 5122. of the Revised Code, the 50381  
legal rights service shall undertake formal representation only of 50382  
those persons who are involuntarily detained, hospitalized, or 50383

institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. ~~¶~~

(2) If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.

(3) Persons described in divisions (A) and (B)(1) of this section who are represented by the legal rights service are clients of the legal rights service.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.

(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, advising the administrator in establishing and annually reviewing a strategic plan, creating a procedure for filing and determination of grievances against the legal rights service, and establishing general policy guidelines, including guidelines for the commencement of litigation, for the legal rights service. The commission may adopt rules to carry

these purposes into effect and may receive and act upon appeals of 50415  
personnel decisions by the administrator. 50416

(2) The commission shall consist of seven members. One 50417  
member, who shall serve as chairperson, shall be appointed by the 50418  
chief justice of the supreme court, three members shall be 50419  
appointed by the speaker of the house of representatives, and 50420  
three members shall be appointed by the president of the senate. 50421  
At least two members shall have experience in the field of 50422  
developmental disabilities, and at least two members shall have 50423  
experience in the field of mental health. No member shall be a 50424  
provider or related to a provider of services to mentally 50425  
retarded, developmentally disabled, or mentally ill persons. 50426

(3) Terms of office of the members of the commission shall be 50427  
for three years, each term ending on the same day of the month of 50428  
the year as did the term which it succeeds. Each member shall 50429  
serve subsequent to the expiration of the member's term until a 50430  
successor is appointed and qualifies, or until sixty days has 50431  
elapsed, whichever occurs first. No member shall serve more than 50432  
two consecutive terms. 50433

All vacancies in the membership of the commission shall be 50434  
filled in the manner prescribed for regular appointments to the 50435  
commission and shall be limited to the unexpired terms. 50436

(4) The commission shall meet at least four times each year. 50437  
Members shall be reimbursed for their necessary and actual 50438  
expenses incurred in the performance of their official duties. 50439

(5) The administrator of the legal rights service shall serve 50440  
at the pleasure of the commission. 50441

~~The administrator shall be a person who has had special 50442  
training and experience in the type of work with which the legal 50443  
rights service is charged. If the administrator is not an 50444  
attorney, the administrator shall seek legal counsel when 50445~~

~~appropriate~~ an attorney admitted to practice law in this state. 50446

The salary of the administrator shall be established in accordance 50447

with section 124.14 of the Revised Code. 50448

(E) The legal rights service shall be completely independent 50449

of the department of mental health and the department of mental 50450

retardation and developmental disabilities and, notwithstanding 50451

section 109.02 of the Revised Code, shall also be independent of 50452

the office of the attorney general. The administrator of the legal 50453

rights service, staff, and attorneys designated by the 50454

administrator to represent persons detained, hospitalized, or 50455

institutionalized under this chapter or Chapter 5122. of the 50456

Revised Code shall have ready access to the following: 50457

(1) During normal business hours and at other reasonable 50458

times, all records, except records of community residential 50459

facilities and records of contract agencies of county boards of 50460

mental retardation and developmental disabilities and boards of 50461

alcohol, drug addiction and mental health services, relating to 50462

expenditures of state and federal funds or to the commitment, 50463

care, treatment, and habilitation of all persons represented by 50464

the legal rights service, including those who may be represented 50465

pursuant to division (L) of this section, or persons detained, 50466

hospitalized, institutionalized, or receiving services under this 50467

chapter or Chapter 340., 5119., 5122., or 5126. of the Revised 50468

Code that are records maintained by the following entities 50469

providing services for those persons: departments; institutions; 50470

hospitals; ~~community residential facilities;~~ boards of alcohol, 50471

drug addiction, and mental health services; county boards of 50472

mental retardation and developmental disabilities; ~~contract~~ 50473

~~agencies of those boards;~~ and any other entity providing services 50474

to persons who may be represented by the service pursuant to 50475

division (L) of this section; 50476

(2) Any records maintained in computerized data banks of the 50477

departments or boards or, in the case of persons who may be 50478  
represented by the service pursuant to division (L) of this 50479  
section, any other entity that provides services to those persons; 50480

(3) During their normal working hours, personnel of the 50481  
departments, facilities, boards, agencies, institutions, 50482  
hospitals, and other service-providing entities; 50483

(4) At any time, all persons detained, hospitalized, or 50484  
institutionalized; persons receiving services under this chapter 50485  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 50486  
persons who may be represented by the service pursuant to division 50487  
(L) of this section. 50488

(5) Records of a community residential facility, a contract 50489  
agency of a board of alcohol, drug addiction, and mental health 50490  
services, or a contract agency of a county board of mental 50491  
retardation and developmental disabilities with one of the 50492  
following consents: 50493

(a) The consent of the person, including when the person is a 50494  
minor or has been adjudicated incompetent; 50495

(b) The consent of the person's guardian of the person, if 50496  
any, or the parent if the person is a minor; 50497

(c) No consent, if the person is unable to consent for any 50498  
reason, and the guardian of the person, if any, or the parent of 50499  
the minor, has refused to consent or has not responded to a 50500  
request for consent and either of the following has occurred: 50501

(i) A complaint regarding the person has been received by the 50502  
legal rights service; 50503

(ii) The legal rights service has determined that there is 50504  
probable cause to believe that such person has been subjected to 50505  
abuse or neglect. 50506

(F) The administrator of the legal rights service shall do 50507

- the following: 50508
- (1) Administer and organize the work of the legal rights 50509  
service and establish administrative or geographic divisions as 50510  
the administrator considers necessary, proper, and expedient; 50511
- (2) Adopt and promulgate rules that are not in conflict with 50512  
rules adopted by the commission and prescribe duties for the 50513  
efficient conduct of the business and general administration of 50514  
the legal rights service; 50515
- (3) Appoint and discharge employees, and hire experts, 50516  
consultants, advisors, or other professionally qualified persons 50517  
as the administrator considers necessary to carry out the duties 50518  
of the legal rights service; 50519
- (4) Apply for and accept grants of funds, and accept 50520  
charitable gifts and bequests; 50521
- (5) Prepare and submit a budget to the general assembly for 50522  
the operation of the legal rights service. At least thirty days 50523  
prior to submitting the budget to the general assembly, the 50524  
administrator shall provide a copy of the budget to the commission 50525  
for review and comment. When submitting the budget to the general 50526  
assembly, the administrator shall include a copy of any written 50527  
comments returned by the commission to the administrator. 50528
- (6) Enter into contracts and make expenditures necessary for 50529  
the efficient operation of the legal rights service; 50530
- (7) Annually prepare a report of activities and submit copies 50531  
of the report to the governor, the chief justice of the supreme 50532  
court, the president of the senate, the speaker of the house of 50533  
representatives, the director of mental health, and the director 50534  
of mental retardation and developmental disabilities, and make the 50535  
report available to the public; 50536
- (8) Upon request of the commission or of the chairperson of 50537

the commission, report to the commission on specific litigation 50538  
issues or activities. 50539

(G)(1) The legal rights service may act directly or contract 50540  
with other organizations or individuals for the provision of the 50541  
services envisioned under this section. 50542

(2) Whenever possible, the administrator shall attempt to 50543  
facilitate the resolution of complaints through administrative 50544  
channels. Subject to division (G)(3) of this section, if attempts 50545  
at administrative resolution prove unsatisfactory, the 50546  
administrator may pursue any legal, administrative, and other 50547  
appropriate remedies or approaches that may be necessary to 50548  
accomplish the purposes of this section. 50549

(3) The administrator may not pursue a class action lawsuit 50550  
under division (G)(2) of this section when attempts at 50551  
administrative resolution of a complaint prove unsatisfactory 50552  
under that division unless both of the following have first 50553  
occurred: 50554

(a) At least four members of the commission, by their 50555  
affirmative vote, have consented to the pursuit of the class 50556  
action lawsuit; 50557

(b) At least five members of the commission are present at 50558  
the meeting of the commission at which that consent is obtained. 50559

(4) All records received or maintained by the legal rights 50560  
service in connection with any investigation, representation, or 50561  
other activity under this section shall be confidential and shall 50562  
not be disclosed except as authorized by the person represented by 50563  
the legal rights service or, subject to any privilege, a guardian 50564  
of the person or parent of the minor. Subject to division (G)(5) 50565  
of this section, relationships between personnel and the agents of 50566  
the legal rights service and its clients shall be fiduciary 50567  
relationships, and all communications shall be ~~confidential~~, 50568



privileged as if between attorney and client. 50569

(5) Any person who has been represented by the legal rights 50570  
service or who has applied for and been denied representation and 50571  
who files a grievance with the service concerning the 50572  
representation or application may appeal the decision of the 50573  
service on the grievance to the commission. The person may appeal 50574  
notwithstanding any objections of the person's legal guardian. The 50575  
commission may examine any records relevant to the appeal and 50576  
shall maintain the confidentiality of any records that are 50577  
required to be kept confidential. 50578

(H) The legal rights service, on the order of the 50579  
administrator, with the approval by an affirmative vote of at 50580  
least four members of the commission, may compel by subpoena the 50581  
appearance and sworn testimony of any person the administrator 50582  
reasonably believes may be able to provide information or to 50583  
produce any documents, books, records, papers, or other 50584  
information necessary to carry out its duties. On the refusal of 50585  
any person to produce or authenticate any requested documents, the 50586  
legal rights service may apply to the Franklin county court of 50587  
common pleas to compel the production or authentication of 50588  
requested documents. If the court finds that failure to produce or 50589  
authenticate any requested documents was improper, the court may 50590  
hold the person in contempt as in the case of disobedience of the 50591  
requirements of a subpoena issued from the court, or a refusal to 50592  
testify in the court. 50593

(I) The legal rights service may conduct public hearings. 50594

(J) The legal rights service may request from any 50595  
governmental agency any cooperation, assistance, services, or data 50596  
that will enable it to perform its duties. 50597

(K) In any malpractice action filed against the administrator 50598  
of the legal rights service, a member of the staff of the legal 50599

rights service, or an attorney designated by the administrator to 50600  
perform legal services under division (E) of this section, the 50601  
state shall, when the administrator, member, or attorney has acted 50602  
in good faith and in the scope of employment, indemnify the 50603  
administrator, member, or attorney for any judgment awarded or 50604  
amount negotiated in settlement, and for any court costs or legal 50605  
fees incurred in defense of the claim. 50606

This division does not limit or waive, and shall not be 50607  
construed to limit or waive, any defense that is available to the 50608  
legal rights service, its administrator or employees, persons 50609  
under a personal services contract with it, or persons designated 50610  
under division (E) of this section, including, but not limited to, 50611  
any defense available under section 9.86 of the Revised Code. 50612

(L) In addition to providing services to mentally ill, 50613  
mentally retarded, or developmentally disabled persons, when a 50614  
grant authorizing the provision of services to other individuals 50615  
is accepted pursuant to division (F)(4) of this section, the legal 50616  
rights service and its ombudsperson section may provide advocacy 50617  
or ombudsperson services to those other individuals and exercise 50618  
any other authority granted by this section or sections 5123.601 50619  
to 5123.604 of the Revised Code on behalf of those individuals. 50620  
Determinations of whether an individual is eligible for services 50621  
under this division shall be made by the legal rights service. 50622

**Sec. 5123.602.** ~~The ombudsman~~ (A) Except as provided in 50623  
division (B) of this section, the ombudsperson section of the 50624  
legal rights service may, in order to carry out its duties under 50625  
this chapter, make necessary inquiries and obtain information it 50626  
considers necessary. ~~For those purposes~~ Upon receiving a complaint 50627  
and in the course of conducting an investigation in accordance 50628  
with division (B) of section 5123.601 of the Revised Code, the 50629  
section shall have ready access to the premises and records of all 50630

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 50661  
offender shall be eligible to be included in the registry 50662  
regarding misappropriation, abuse, neglect, or other specified 50663  
misconduct by MR/DD employees established under section 5123.52 of 50664  
the Revised Code. 50665

(C) Whoever violates division (A) of section 5123.604 of the 50666  
Revised Code is guilty of a misdemeanor of the second degree. 50667

(D) Whoever violates division (B) of section 5123.604 of the 50668  
Revised Code shall be fined not more than one thousand dollars. 50669  
Each violation constitutes a separate offense. 50670

**Sec. 5126.038.** (A)~~(1)~~ As used in this section, "professional 50671  
services" means all of the following services provided on behalf 50672  
of a county board of mental retardation and developmental 50673  
disabilities, members or employees of a county board, or both: 50674

~~(a)~~(1) Lobbying and other governmental affairs services; 50675

~~(b)~~(2) Legal services other than the legal services provided 50676  
by a county prosecutor or provided for the purpose of collective 50677  
bargaining; 50678

~~(c)~~(3) Public relation services; 50679

~~(d)~~(4) Consulting services; 50680

~~(e)~~(5) Personnel training services, not including tuition or 50681  
professional growth reimbursement programs for county board 50682  
members or employees. 50683

~~(2) "Professional services" does not mean services provided 50684  
pursuant to a service contract as defined in section 5126.035 of 50685  
the Revised Code. 50686~~

(B) Each county board of mental retardation and developmental 50687  
disabilities shall submit to the board of county commissioners of 50688  
each county that is served by the county board, in accordance with 50689

the normal budget process and as part of its budget request, a 50690  
list identifying the total expenditures projected for any of the 50691  
following: 50692

(1) Any membership dues of the members or employees of the 50693  
county board, in any organization, association, or other entity; 50694

(2) Any professional services of the county board, its 50695  
members or employees, or both; 50696

(3) Any training of the members or employees of the county 50697  
board. 50698

**Sec. 5126.04.** (A) Each county board of mental retardation and 50699  
developmental disabilities shall plan and set priorities based on 50700  
available resources for the provision of facilities, programs, and 50701  
other services to meet the needs of county residents who are 50702  
individuals with mental retardation and other developmental 50703  
disabilities, former residents of the county residing in state 50704  
institutions or placed under purchase of service agreements under 50705  
section 5123.18 of the Revised Code, and children subject to a 50706  
determination made pursuant to section 121.38 of the Revised Code. 50707

Each county board shall assess the facility and service needs 50708  
of the individuals with mental retardation and other developmental 50709  
disabilities who are residents of the county or former residents 50710  
of the county residing in state institutions or placed under 50711  
purchase of service agreements under section 5123.18 of the 50712  
Revised Code. 50713

Each county board shall require individual habilitation or 50714  
service plans for individuals with mental retardation and other 50715  
developmental disabilities who are being served or who have been 50716  
determined eligible for services and are awaiting the provision of 50717  
services. Each board shall ensure that methods of having their 50718  
service needs evaluated are available. 50719

(B) The department of mental retardation and developmental disabilities may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. To the extent that rules adopted under this section apply to the identification and placement of ~~handicapped~~ children with disabilities under Chapter 3323. of the Revised Code, the rules shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) The responsibility or authority of a county board to provide services under this chapter does not affect the responsibility of any other entity of state or local government to provide services to individuals with mental retardation and developmental disabilities.

(D) On or before the first day of February prior to a school year, a county board of mental retardation and developmental disabilities may elect not to participate during that school year in the provision of or contracting for educational services for children ages six through twenty-one years of age, provided that on or before that date the board gives notice of this election to the superintendent of public instruction, each school district in the county, and the educational service center serving the county. If a board makes this election, it shall not have any responsibility for or authority to provide educational services that school year for children ages six through twenty-one years of age. If a board does not make an election for a school year in accordance with this division, the board shall be deemed to have elected to participate during that school year in the provision of or contracting for educational services for children ages six through twenty-one years of age.

(E) If a county board of mental retardation and developmental disabilities elects to provide educational services during a school year to individuals six through twenty-one years of age who

are ~~multiply handicapped~~ have multiple disabilities, the board may 50752  
provide these services to individuals who are appropriately 50753  
identified and determined eligible pursuant to Chapter 3323. of 50754  
the Revised Code, and in accordance with applicable rules of the 50755  
state board of education. The county board may also provide 50756  
related services to individuals six through twenty-one years of 50757  
age who have one or more disabling conditions, in accordance with 50758  
section 3317.20 and Chapter 3323. of the Revised Code and 50759  
applicable rules of the state board of education. 50760

**Sec. 5126.041.** (A) As used in this section: 50761

(1) "Biological risk" and "environmental risk" have the 50762  
meanings established pursuant to section 5123.011 of the Revised 50763  
Code. 50764

(2) "~~Handicapped preschool~~ Preschool child with a disability" 50765  
has the same meaning as in section 3323.01 of the Revised Code. 50766

(3) "State institution" means all or part of an institution 50767  
under the control of the department of mental retardation and 50768  
developmental disabilities pursuant to section 5123.03 of the 50769  
Revised Code and maintained for the care, treatment, and training 50770  
of the mentally retarded. 50771

(B) Except as provided in division (C) of this section, each 50772  
county board of mental retardation and developmental disabilities 50773  
shall make eligibility determinations in accordance with the 50774  
definition of "developmental disability" in section 5126.01 of the 50775  
Revised Code. Pursuant to rules the department of mental 50776  
retardation and developmental disabilities shall adopt in 50777  
accordance with Chapter 119. of the Revised Code, a county board 50778  
may establish eligibility for programs and services for either of 50779  
the following: 50780

(1) Individuals under age six who have a biological risk or 50781

environmental risk of a developmental delay; 50782

(2) Any ~~handicapped~~ preschool child with a disability 50783  
eligible for services under section 3323.02 of the Revised Code 50784  
whose ~~handicap~~ disability is not attributable solely to mental 50785  
illness as defined in section 5122.01 of the Revised Code. 50786

(C)(1) A county board shall make determinations of 50787  
eligibility for service and support administration in accordance 50788  
with rules adopted under section 5126.08 of the Revised Code. 50789

(2) All persons who were eligible for services and enrolled 50790  
in programs offered by a county board of mental retardation and 50791  
developmental disabilities pursuant to this chapter on July 1, 50792  
1991, shall continue to be eligible for those services and to be 50793  
enrolled in those programs as long as they are in need of 50794  
services. 50795

(3) A person who resided in a state institution on or before 50796  
October 29, 1993, is eligible for programs and services offered by 50797  
a county board of mental retardation and developmental 50798  
disabilities, unless the person is determined by the county board 50799  
not to be in need of those programs and services. 50800

(D) A county board shall refer a person who requests but is 50801  
not eligible for programs and services offered by the board to 50802  
other entities of state and local government or appropriate 50803  
private entities that provide services. 50804

(E) Membership of a person on, or employment of a person by, 50805  
a county board of mental retardation and developmental 50806  
disabilities does not affect the eligibility of any member of that 50807  
person's family for services provided by the board or by any 50808  
entity under contract with the board. 50809

**Sec. 5126.042.** (A) As used in this section, "emergency" means 50810  
any situation that creates for an individual with mental 50811



retardation or developmental disabilities a risk of substantial 50812  
self-harm or substantial harm to others if action is not taken 50813  
within thirty days. An "emergency" may include one or more of the 50814  
following situations: 50815

(1) Loss of present residence for any reason, including legal 50816  
action; 50817

(2) Loss of present caretaker for any reason, including 50818  
serious illness of the caretaker, change in the caretaker's 50819  
status, or inability of the caretaker to perform effectively for 50820  
the individual; 50821

(3) Abuse, neglect, or exploitation of the individual; 50822

(4) Health and safety conditions that pose a serious risk to 50823  
the individual or others of immediate harm or death; 50824

(5) Change in the emotional or physical condition of the 50825  
individual that necessitates substantial accommodation that cannot 50826  
be reasonably provided by the individual's existing caretaker. 50827

(B) If a county board of mental retardation and developmental 50828  
disabilities determines that available resources are not 50829  
sufficient to meet the needs of all individuals who request 50830  
programs and services and may be offered the programs and 50831  
services, it shall establish waiting lists for services. The board 50832  
may establish priorities for making placements on its waiting 50833  
lists according to an individual's emergency status and shall 50834  
establish priorities in accordance with divisions (D) and (E) of 50835  
this section. 50836

The individuals who may be placed on a waiting list include 50837  
individuals with a need for services on an emergency basis and 50838  
individuals who have requested services for which resources are 50839  
not available. 50840

Except for an individual who is to receive priority for 50841

services pursuant to division (D)(3) of this section, an 50842  
individual who currently receives a service but would like to 50843  
change to another service shall not be placed on a waiting list 50844  
but shall be placed on a service substitution list. The board 50845  
shall work with the individual, service providers, and all 50846  
appropriate entities to facilitate the change in service as 50847  
expeditiously as possible. The board may establish priorities for 50848  
making placements on its service substitution lists according to 50849  
an individual's emergency status. 50850

In addition to maintaining waiting lists and service 50851  
substitution lists, a board shall maintain a long-term service 50852  
planning registry for individuals who wish to record their 50853  
intention to request in the future a service they are not 50854  
currently receiving. The purpose of the registry is to enable the 50855  
board to document requests and to plan appropriately. The board 50856  
may not place an individual on the registry who meets the 50857  
conditions for receipt of services on an emergency basis. 50858

(C) A county board shall establish a separate waiting list 50859  
for each of the following categories of services, and may 50860  
establish separate waiting lists within the waiting lists: 50861

(1) Early childhood services; 50862

(2) Educational programs for preschool and school age 50863  
children; 50864

(3) Adult services; 50865

(4) Service and support administration; 50866

(5) Residential services and supported living; 50867

(6) Transportation services; 50868

(7) Other services determined necessary and appropriate for 50869  
persons with mental retardation or a developmental disability 50870  
according to their individual habilitation or service plans; 50871

(8) Family support services provided under section 5126.11 of the Revised Code. 50872  
50873

(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: 50874  
50875  
50876  
50877  
50878

(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: 50879  
50880  
50881

(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: 50882  
50883  
50884  
50885  
50886  
50887

(i) Is twenty-two years of age or older; 50888

(ii) Receives supported living or family support services. 50889

(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: 50890  
50891  
50892  
50893  
50894

(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; 50895  
50896  
50897

(ii) Receives adult services from the county board. 50898

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of 50899  
50900  
50901

the following requirements priority for such services over any 50902  
other individual on a waiting list established under division (C) 50903  
of this section: 50904

(a) Does not receive residential services or supported 50905  
living, either needs services in the individual's current living 50906  
arrangement or will need services in a new living arrangement, and 50907  
has a primary caregiver who is sixty years of age or older; 50908

(b) Is less than twenty-two years of age and has at least one 50909  
of the following service needs that are unusual in scope or 50910  
intensity: 50911

(i) Severe behavior problems for which a behavior support 50912  
plan is needed; 50913

(ii) An emotional disorder for which anti-psychotic 50914  
medication is needed; 50915

(iii) A medical condition that leaves the individual 50916  
dependent on life-support medical technology; 50917

(iv) A condition affecting multiple body systems for which a 50918  
combination of specialized medical, psychological, educational, or 50919  
habilitation services are needed; 50920

(v) A condition the county board determines to be comparable 50921  
in severity to any condition described in ~~division~~ divisions 50922  
(D)(2)(b)(i) to (iv) of this section and places the individual at 50923  
significant risk of institutionalization. 50924

(c) Is twenty-two years of age or older, does not receive 50925  
residential services or supported living, and is determined by the 50926  
county board to have intensive needs for home and community-based 50927  
services on an in-home or out-of-home basis. 50928

(3) In fiscal years 2002 and 2003, give an individual who is 50929  
eligible for home and community-based services, resides in an 50930  
intermediate care facility for the mentally retarded or nursing 50931

facility, chooses to move to another setting with the help of home 50932  
and community-based services, and has been determined by the 50933  
department of mental retardation and developmental disabilities to 50934  
be capable of residing in the other setting, priority over any 50935  
other individual on a waiting list established under division (C) 50936  
of this section for home and community-based services who does not 50937  
meet these criteria. The department of mental retardation and 50938  
developmental disabilities shall identify the individuals to 50939  
receive priority under division (D)(3) of this section, assess the 50940  
needs of the individuals, and notify the county boards that are to 50941  
provide the individuals priority under division (D)(3) of this 50942  
section of the individuals identified by the department and the 50943  
individuals' assessed needs. 50944

(E) Except as provided in division (G) of this section and 50945  
for a number of years and beginning on a date specified in rules 50946  
adopted under division (K) of this section, a county board shall 50947  
give an individual who is eligible for home and community-based 50948  
services, resides in a nursing facility, and chooses to move to 50949  
another setting with the help of home and community-based 50950  
services, priority over any other individual on a waiting list 50951  
established under division (C) of this section for home and 50952  
community-based services who does not meet these criteria. 50953

(F) If two or more individuals on a waiting list established 50954  
under division (C) of this section for home and community-based 50955  
services have priority for the services pursuant to division 50956  
(D)(1) or (2) or (E) of this section, a county board may use, 50957  
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 50958  
under division (K)(2) of this section in determining the order in 50959  
which the individuals with priority will be offered the services. 50960  
Otherwise, the county board shall offer the home and 50961  
community-based services to such individuals in the order they are 50962  
placed on the waiting list. 50963

(G)(1) No individual may receive priority for services 50964  
pursuant to division (D) or (E) of this section over an individual 50965  
placed on a waiting list established under division (C) of this 50966  
section on an emergency status. 50967

(2) No more than four hundred individuals in the state may 50968  
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 50969  
biennium pursuant to division (D)(2)(b) of this section. 50970

(3) No more than a total of seventy-five individuals in the 50971  
state may receive priority for services during state fiscal years 50972  
2002 and 2003 pursuant to division (D)(3) of this section. 50973

(4) No more than forty individuals in the state may receive 50974  
priority for services pursuant to division (E) of this section for 50975  
each year that priority category is in effect as specified in 50976  
rules adopted under division (K) of this section. 50977

(H) Prior to establishing any waiting list under this 50978  
section, a county board shall develop and implement a policy for 50979  
waiting lists that complies with this section and rules adopted 50980  
under division (K) of this section. 50981

Prior to placing an individual on a waiting list, the county 50982  
board shall assess the service needs of the individual in 50983  
accordance with all applicable state and federal laws. The county 50984  
board shall place the individual on the appropriate waiting list 50985  
and may place the individual on more than one waiting list. The 50986  
county board shall notify the individual of the individual's 50987  
placement and position on each waiting list on which the 50988  
individual is placed. 50989

At least annually, the county board shall reassess the 50990  
service needs of each individual on a waiting list. If it 50991  
determines that an individual no longer needs a program or 50992  
service, the county board shall remove the individual from the 50993  
waiting list. If it determines that an individual needs a program 50994

or service other than the one for which the individual is on the 50995  
waiting list, the county board shall provide the program or 50996  
service to the individual or place the individual on a waiting 50997  
list for the program or service in accordance with the board's 50998  
policy for waiting lists. 50999

When a program or service for which there is a waiting list 51000  
becomes available, the county board shall reassess the service 51001  
needs of the individual next scheduled on the waiting list to 51002  
receive that program or service. If the reassessment demonstrates 51003  
that the individual continues to need the program or service, the 51004  
board shall offer the program or service to the individual. If it 51005  
determines that an individual no longer needs a program or 51006  
service, the county board shall remove the individual from the 51007  
waiting list. If it determines that an individual needs a program 51008  
or service other than the one for which the individual is on the 51009  
waiting list, the county board shall provide the program or 51010  
service to the individual or place the individual on a waiting 51011  
list for the program or service in accordance with the board's 51012  
policy for waiting lists. The county board shall notify the 51013  
individual of the individual's placement and position on the 51014  
waiting list on which the individual is placed. 51015

(I) A child subject to a determination made pursuant to 51016  
section 121.38 of the Revised Code who requires the home and 51017  
community-based services provided through a medicaid component 51018  
that the department of mental retardation and developmental 51019  
disabilities administers under section 5111.871 of the Revised 51020  
Code shall receive services through that medicaid component. For 51021  
all other services, a child subject to a determination made 51022  
pursuant to section 121.38 of the Revised Code shall be treated as 51023  
an emergency by the county boards and shall not be subject to a 51024  
waiting list. 51025

(J) Not later than the fifteenth day of March of each 51026

even-numbered year, each county board shall prepare and submit to 51027  
the director of mental retardation and developmental disabilities 51028  
its recommendations for the funding of services for individuals 51029  
with mental retardation and developmental disabilities and its 51030  
proposals for reducing the waiting lists for services. 51031

(K)(1) The department of mental retardation and developmental 51032  
disabilities shall adopt rules in accordance with Chapter 119. of 51033  
the Revised Code governing waiting lists established under this 51034  
section. The rules shall include procedures to be followed to 51035  
ensure that the due process rights of individuals placed on 51036  
waiting lists are not violated. 51037

(2) As part of the rules adopted under this division, the 51038  
department shall adopt rules establishing criteria a county board 51039  
may use under division (F) of this section in determining the 51040  
order in which individuals with priority for home and 51041  
community-based services will be offered the services. The rules 51042  
shall also specify conditions under which a county board, when 51043  
there is no individual with priority for home and community-based 51044  
services pursuant to division (D)(1) or (2) or (E) of this section 51045  
available and appropriate for the services, may offer the services 51046  
to an individual on a waiting list for the services but not given 51047  
such priority for the services. The rules adopted under division 51048  
(K)(2) of this section shall cease to have effect December 31, 51049  
~~2007~~ 2009. 51050

(3) As part of the rules adopted under this division, the 51051  
department shall adopt rules specifying both of the following for 51052  
the priority category established under division (E) of this 51053  
section: 51054

(a) The number of years, which shall not exceed five, that 51055  
the priority category will be in effect; 51056

(b) The date that the priority category is to go into effect. 51057



(L) The following shall take precedence over the applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.

**Sec. 5126.046.** (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.

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.

~~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, 51089  
and community employment services when required by section 51090  
5126.057 of the Revised Code. The department of mental retardation 51091  
and developmental disabilities shall pay the nonfederal share of 51092  
such habilitation, vocational, and community employment services 51093  
when required by section 5123.047 of the Revised Code. 51094~~

(B) Each month, the department of mental retardation and 51095  
developmental disabilities shall create a list of all persons and 51096  
government entities eligible to provide residential services and 51097  
supported living. The department shall include on the list all 51098  
residential facilities licensed under section 5123.19 of the 51099  
Revised Code and all supported living providers certified under 51100  
section ~~5126.431~~ 5123.161 of the Revised Code. The department 51101  
shall distribute the monthly lists to county boards that have 51102  
local administrative authority under division (A) of section 51103  
5126.055 of the Revised Code for residential services and 51104  
supported living provided as part of home and community-based 51105  
services. A county board that receives a list shall make it 51106  
available to each individual with mental retardation or other 51107  
developmental disability who resides in the county and is eligible 51108  
for such residential services or supported living. The county 51109  
board shall also make the list available to the families of those 51110  
individuals. 51111

An individual who is eligible for residential services or 51112  
supported living may choose the provider of the residential 51113  
services or supported living. 51114

~~A county board that has medicaid local administrative 51115  
authority under division (A) of section 5126.055 of the Revised 51116  
Code for residential services and supported living provided as 51117  
part of home and community based services shall pay the nonfederal 51118  
share of the residential services and supported living when 51119  
required by section 5126.057 of the Revised Code. The department 51120~~

~~shall pay the nonfederal share of the residential services and supported living when required by section 5123.047 of the Revised Code.~~

(C) If a county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services violates the right established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.

(D) The departments of mental retardation and developmental disabilities and job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their service providers. The rules shall not be limited by a provider selection system established under section 5126.42 of the Revised Code, including any pool of providers created pursuant to a provider selection system.

**Sec. 5126.05.** (A) Subject to the rules established by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of mental retardation and developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and

facilities available to individuals with mental retardation and	51152
developmental disabilities;	51153
(3) Provide early childhood services, supportive home	51154
services, and adult services, according to the plan and priorities	51155
developed under section 5126.04 of the Revised Code;	51156
(4) Provide or contract for special education services	51157
pursuant to Chapters 3317. and 3323. of the Revised Code and	51158
ensure that related services, as defined in section 3323.01 of the	51159
Revised Code, are available according to the plan and priorities	51160
developed under section 5126.04 of the Revised Code;	51161
(5) Adopt a budget, authorize expenditures for the purposes	51162
specified in this chapter and do so in accordance with section	51163
319.16 of the Revised Code, approve attendance of board members	51164
and employees at professional meetings and approve expenditures	51165
for attendance, and exercise such powers and duties as are	51166
prescribed by the director;	51167
(6) Submit annual reports of its work and expenditures,	51168
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to	51169
the director, the superintendent of public instruction, and the	51170
board of county commissioners at the close of the fiscal year and	51171
at such other times as may reasonably be requested;	51172
(7) Authorize all positions of employment, establish	51173
compensation, including but not limited to salary schedules and	51174
fringe benefits for all board employees, approve contracts of	51175
employment for management employees that are for a term of more	51176
than one year, employ legal counsel under section 309.10 of the	51177
Revised Code, and contract for employee benefits;	51178
(8) Provide service and support administration in accordance	51179
with section 5126.15 of the Revised Code;	51180
(9) Certify respite care homes pursuant to rules adopted	51181
under section 5123.171 of the Revised Code by the director of	51182

mental retardation and developmental disabilities. 51183

(B) To the extent that rules adopted under this section apply 51184  
to the identification and placement of ~~handicapped~~ children with 51185  
disabilities under Chapter 3323. of the Revised Code, they shall 51186  
be consistent with the standards and procedures established under 51187  
sections 3323.03 to 3323.05 of the Revised Code. 51188

(C) Any county board may enter into contracts with other such 51189  
boards and with public or private, nonprofit, or profit-making 51190  
agencies or organizations of the same or another county, to 51191  
provide the facilities, programs, and services authorized or 51192  
required, upon such terms as may be agreeable, and in accordance 51193  
with this chapter and Chapter 3323. of the Revised Code and rules 51194  
adopted thereunder and in accordance with sections 307.86 and 51195  
5126.071 of the Revised Code. 51196

(D) A county board may combine transportation for children 51197  
and adults enrolled in programs and services offered under section 51198  
5126.12 with transportation for children enrolled in classes 51199  
funded under section 3317.20 or units approved under section 51200  
3317.05 of the Revised Code. 51201

(E) A county board may purchase all necessary insurance 51202  
policies, may purchase equipment and supplies through the 51203  
department of administrative services or from other sources, and 51204  
may enter into agreements with public agencies or nonprofit 51205  
organizations for cooperative purchasing arrangements. 51206

(F) A county board may receive by gift, grant, devise, or 51207  
bequest any moneys, lands, or property for the benefit of the 51208  
purposes for which the board is established and hold, apply, and 51209  
dispose of the moneys, lands, and property according to the terms 51210  
of the gift, grant, devise, or bequest. All money received by 51211  
gift, grant, bequest, or disposition of lands or property received 51212  
by gift, grant, devise, or bequest shall be deposited in the 51213

county treasury to the credit of such board and shall be available 51214  
for use by the board for purposes determined or stated by the 51215  
donor or grantor, but may not be used for personal expenses of the 51216  
board members. Any interest or earnings accruing from such gift, 51217  
grant, devise, or bequest shall be treated in the same manner and 51218  
subject to the same provisions as such gift, grant, devise, or 51219  
bequest. 51220

(G) The board of county commissioners shall levy taxes and 51221  
make appropriations sufficient to enable the county board of 51222  
mental retardation and developmental disabilities to perform its 51223  
functions and duties, and may utilize any available local, state, 51224  
and federal funds for such purpose. 51225

**Sec. 5126.054.** (A) Each county board of mental retardation 51226  
and developmental disabilities shall, by resolution, develop a 51227  
three-calendar year plan that includes the following ~~four~~ three 51228  
components: 51229

(1) An assessment component that includes all of the 51230  
following: 51231

(a) The number of individuals with mental retardation or 51232  
other developmental disability residing in the county who need the 51233  
level of care provided by an intermediate care facility for the 51234  
mentally retarded, may seek home and community-based services, are 51235  
given priority for the services pursuant to division (D) of 51236  
section 5126.042 of the Revised Code; the service needs of those 51237  
individuals; and the projected annualized cost for services; 51238

(b) The source of funds available to the county board to pay 51239  
the nonfederal share of medicaid expenditures that the county 51240  
board is required by ~~division (A) of section 5126.057~~ sections 51241  
5126.059 and 5126.0510 of the Revised Code to pay; 51242

(c) Any other applicable information or conditions that the 51243

department of mental retardation and developmental disabilities 51244  
requires as a condition of approving the component under section 51245  
5123.046 of the Revised Code. 51246

~~(2) A component that provides for the recruitment, training, 51247  
and retention of existing and new direct care staff necessary to 51248  
implement services included in individualized service plans, 51249  
including behavior management services and health management 51250  
services such as delegated nursing and other habilitation 51251  
services, and protect the health and welfare of individuals 51252  
receiving services included in the individual's individualized 51253  
service plan by complying with safeguards for unusual and major 51254  
unusual incidents, day to day program management, and other 51255  
requirements the department shall identify. A county board shall 51256  
develop this component in collaboration with providers of 51257  
medicaid funded services with which the county board contracts. A 51258  
county board shall include all of the following in the component:~~ 51259

~~(a) The source and amount of funds available for the 51260  
component;~~ 51261

~~(b) A plan and timeline for implementing the component with 51262  
the medicaid providers under contract with the county board;~~ 51263

~~(c) The mechanisms the county board shall use to ensure the 51264  
financial and program accountability of the medicaid provider's 51265  
implementation of the component. 51266~~

~~(3) A preliminary implementation component that specifies the 51267  
number of individuals to be provided, during the first year that 51268  
the plan is in effect, home and community-based services pursuant 51269  
to the priority given to them under divisions (D)(1) and (2) of 51270  
section 5126.042 of the Revised Code and the types of home and 51271  
community-based services the individuals are to receive;~~ 51272

~~(4)(3) A component that provides for the implementation of 51273  
medicaid case management services and home and community-based 51274~~

services for individuals who begin to receive the services on or 51275  
after the date the plan is approved under section 5123.046 of the 51276  
Revised Code. A county board shall include all of the following in 51277  
the component: 51278

(a) If the department of mental retardation and developmental 51279  
disabilities or department of job and family services requires, an 51280  
agreement to pay the nonfederal share of medicaid expenditures 51281  
that the county board is required by ~~division (A) of section~~ 51282  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 51283  
pay; 51284

(b) How the services are to be phased in over the period the 51285  
plan covers, including how the county board will serve individuals 51286  
on a waiting list established under division (C) of section 51287  
5126.042 who are given priority status under division (D)(1) of 51288  
that section; 51289

(c) Any agreement or commitment regarding the county board's 51290  
funding of home and community-based services that the county board 51291  
has with the department at the time the county board develops the 51292  
component; 51293

(d) Assurances adequate to the department that the county 51294  
board will comply with all of the following requirements: 51295

(i) To provide the types of home and community-based services 51296  
specified in the preliminary implementation component required by 51297  
division (A)~~(3)~~(2) of this section to at least the number of 51298  
individuals specified in that component; 51299

(ii) To use any additional funds the county board receives 51300  
for the services to improve the county board's resource 51301  
capabilities for supporting such services available in the county 51302  
at the time the component is developed and to expand the services 51303  
to accommodate the unmet need for those services in the county; 51304

(iii) To employ a business manager who is either a new 51305



employee who has earned at least a bachelor's degree in business 51306  
administration or a current employee who has the equivalent 51307  
experience of a bachelor's degree in business administration. If 51308  
the county board will employ a new employee, the county board 51309  
shall include in the component a timeline for employing the 51310  
employee. 51311

(iv) To employ or contract with a medicaid services manager 51312  
who is either a new employee who has earned at least a bachelor's 51313  
degree or a current employee who has the equivalent experience of 51314  
a bachelor's degree. If the county board will employ a new 51315  
employee, the county board shall include in the component a 51316  
timeline for employing the employee. Two or three county boards 51317  
that have a combined total enrollment in county board services not 51318  
exceeding one thousand individuals as determined pursuant to 51319  
certifications made under division (B) of section 5126.12 of the 51320  
Revised Code may satisfy this requirement by sharing the services 51321  
of a medicaid services manager or using the services of a medicaid 51322  
services manager employed by or under contract with a regional 51323  
council that the county boards establish under section 5126.13 of 51324  
the Revised Code. 51325

~~(e) An agreement to comply with the method, developed by 51326  
rules adopted under section 5123.0413 of the Revised Code, of 51327  
paying for extraordinary costs, including extraordinary costs for 51328  
services to individuals with mental retardation or other 51329  
developmental disability, and ensuring the availability of 51330  
adequate funds in the event a county property tax levy for 51331  
services for individuals with mental retardation or other 51332  
developmental disability fails;~~ 51333

~~(f)~~ Programmatic and financial accountability measures and 51334  
projected outcomes expected from the implementation of the plan; 51335

~~(g)~~(f) Any other applicable information or conditions that 51336  
the department requires as a condition of approving the component 51337

under section 5123.046 of the Revised Code. 51338

~~(B) For the purpose of obtaining the department's approval 51339  
under section 5123.046 of the Revised Code of the plan the county 51340  
board develops under division (A) of this section, a county board 51341  
shall do all of the following: 51342~~

~~(1) Submit the components required by divisions (A)(1) and 51343  
(2) of this section to the department not later than August 1, 51344  
2001; 51345~~

~~(2) Submit the component required by division (A)(3) of this 51346  
section to the department not later than January 31, 2002; 51347~~

~~(3) Submit the component required by division (A)(4) of this 51348  
section to the department not later than July 1, 2002. 51349~~

~~(C) A county board whose plan developed under division (A) of 51350  
this section is approved by the department under section 5123.046 51351  
of the Revised Code shall update and renew the plan in accordance 51352  
with a schedule the department shall develop. 51353~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 51354  
the Revised Code, a county board of mental retardation and 51355  
developmental disabilities has medicaid local administrative 51356  
authority to, and shall, do all of the following for an individual 51357  
with mental retardation or other developmental disability who 51358  
resides in the county that the county board serves and seeks or 51359  
receives home and community-based services: 51360

(1) Perform assessments and evaluations of the individual. As 51361  
part of the assessment and evaluation process, the county board 51362  
shall do all of the following: 51363

(a) Make a recommendation to the department of mental 51364  
retardation and developmental disabilities on whether the 51365  
department should approve or deny the individual's application for 51366  
the services, including on the basis of whether the individual 51367

needs the level of care an intermediate care facility for the 51368  
mentally retarded provides; 51369

(b) If the individual's application is denied because of the 51370  
county board's recommendation and the individual requests a 51371  
hearing under section 5101.35 of the Revised Code, present, with 51372  
the department of mental retardation and developmental 51373  
disabilities or department of job and family services, whichever 51374  
denies the application, the reasons for the recommendation and 51375  
denial at the hearing; 51376

(c) If the individual's application is approved, recommend to 51377  
the departments of mental retardation and developmental 51378  
disabilities and job and family services the services that should 51379  
be included in the individual's individualized service plan and, 51380  
if either department approves, reduces, denies, or terminates a 51381  
service included in the individual's individualized service plan 51382  
under section 5111.871 of the Revised Code because of the county 51383  
board's recommendation, present, with the department that made the 51384  
approval, reduction, denial, or termination, the reasons for the 51385  
recommendation and approval, reduction, denial, or termination at 51386  
a hearing under section 5101.35 of the Revised Code. 51387

(2) If the individual has been identified by the department 51388  
of mental retardation and developmental disabilities as an 51389  
individual to receive priority for home and community-based 51390  
services pursuant to division (D)(3) of section 5126.042 of the 51391  
Revised Code, assist the department in expediting the transfer of 51392  
the individual from an intermediate care facility for the mentally 51393  
retarded or nursing facility to the home and community-based 51394  
services; 51395

(3) In accordance with the rules adopted under section 51396  
5126.046 of the Revised Code, perform the county board's duties 51397  
under that section regarding assisting the individual's right to 51398  
choose a qualified and willing provider of the services and, at a 51399

hearing under section 5101.35 of the Revised Code, present 51400  
evidence of the process for appropriate assistance in choosing 51401  
providers; 51402

~~(4) Unless the county board provides the services under 51403  
division (A)(5) of this section, contract with the person or 51404  
government entity the individual chooses in accordance with 51405  
section 5126.046 of the Revised Code to provide the services if 51406  
the person or government entity is qualified and agrees to provide 51407  
the services. The contract shall contain all the provisions 51408  
required by section 5126.035 of the Revised Code and require the 51409  
provider to agree to furnish, in accordance with the provider's 51410  
medicaid provider agreement and for the authorized reimbursement 51411  
rate, the services the individual requires. 51412~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 51413  
5123.161 of the Revised Code to provide the services and agrees to 51414  
provide the services to the individual and the individual chooses 51415  
the county board to provide the services, furnish, in accordance 51416  
with the county board's medicaid provider agreement and for the 51417  
authorized reimbursement rate, the services the individual 51418  
requires; 51419

~~(6)~~(5) Monitor the services provided to the individual and 51420  
ensure the individual's health, safety, and welfare. The 51421  
monitoring shall include quality assurance activities. If the 51422  
county board provides the services, the department of mental 51423  
retardation and developmental disabilities shall also monitor the 51424  
services. 51425

~~(7)~~(6) Develop, with the individual and the provider of the 51426  
individual's services, an effective individualized service plan 51427  
that includes coordination of services, recommend that the 51428  
departments of mental retardation and developmental disabilities 51429  
and job and family services approve the plan, and implement the 51430  
plan unless either department disapproves it; 51431

~~(8)~~(7) Have an investigative agent conduct investigations 51432  
under section 5126.313 of the Revised Code that concern the 51433  
individual; 51434

~~(9)~~(8) Have a service and support administrator perform the 51435  
duties under division (B)(9) of section 5126.15 of the Revised 51436  
Code that concern the individual. 51437

(B) A county board shall perform its medicaid local 51438  
administrative authority under this section in accordance with all 51439  
of the following: 51440

(1) The county board's plan that the department of mental 51441  
retardation and developmental disabilities approves under section 51442  
5123.046 of the Revised Code; 51443

(2) All applicable federal and state laws; 51444

(3) All applicable policies of the departments of mental 51445  
retardation and developmental disabilities and job and family 51446  
services and the United States department of health and human 51447  
services; 51448

(4) The department of job and family services' supervision 51449  
under its authority under section 5111.01 of the Revised Code to 51450  
act as the single state medicaid agency; 51451

(5) The department of mental retardation and developmental 51452  
disabilities' oversight. 51453

(C) The departments of mental retardation and developmental 51454  
disabilities and job and family services shall communicate with 51455  
and provide training to county boards regarding medicaid local 51456  
administrative authority granted by this section. The 51457  
communication and training shall include issues regarding audit 51458  
protocols and other standards established by the United States 51459  
department of health and human services that the departments 51460  
determine appropriate for communication and training. County 51461

boards shall participate in the training. The departments shall 51462  
assess the county board's compliance against uniform standards 51463  
that the departments shall establish. 51464

(D) A county board may not delegate its medicaid local 51465  
administrative authority granted under this section but may 51466  
contract with a person or government entity, including a council 51467  
of governments, for assistance with its medicaid local 51468  
administrative authority. A county board that enters into such a 51469  
contract shall notify the director of mental retardation and 51470  
developmental disabilities. The notice shall include the tasks and 51471  
responsibilities that the contract gives to the person or 51472  
government entity. The person or government entity shall comply in 51473  
full with all requirements to which the county board is subject 51474  
regarding the person or government entity's tasks and 51475  
responsibilities under the contract. The county board remains 51476  
ultimately responsible for the tasks and responsibilities. 51477

(E) A county board that has medicaid local administrative 51478  
authority under this section shall, through the departments of 51479  
mental retardation and developmental disabilities and job and 51480  
family services, reply to, and cooperate in arranging compliance 51481  
with, a program or fiscal audit or program violation exception 51482  
that a state or federal audit or review discovers. The department 51483  
of job and family services shall timely notify the department of 51484  
mental retardation and developmental disabilities and the county 51485  
board of any adverse findings. After receiving the notice, the 51486  
county board, in conjunction with the department of mental 51487  
retardation and developmental disabilities, shall cooperate fully 51488  
with the department of job and family services and timely prepare 51489  
and send to the department a written plan of correction or 51490  
response to the adverse findings. The county board is liable for 51491  
any adverse findings that result from an action it takes or fails 51492  
to take in its implementation of medicaid local administrative 51493

authority. 51494

(F) If the department of mental retardation and developmental 51495  
disabilities or department of job and family services determines 51496  
that a county board's implementation of its medicaid local 51497  
administrative authority under this section is deficient, the 51498  
department that makes the determination shall require that county 51499  
board do the following: 51500

(1) If the deficiency affects the health, safety, or welfare 51501  
of an individual with mental retardation or other developmental 51502  
disability, correct the deficiency within twenty-four hours; 51503

(2) If the deficiency does not affect the health, safety, or 51504  
welfare of an individual with mental retardation or other 51505  
developmental disability, receive technical assistance from the 51506  
department or submit a plan of correction to the department that 51507  
is acceptable to the department within sixty days and correct the 51508  
deficiency within the time required by the plan of correction. 51509

**Sec. 5126.056.** (A) The department of mental retardation and 51510  
developmental disabilities shall take action under division (B) of 51511  
this section against a county board of mental retardation and 51512  
developmental disabilities if any of the following are the case: 51513

(1) The county board fails to submit to the department all 51514  
the components of its three-year plan required by section 5126.054 51515  
of the Revised Code ~~within the time required by division (B) of~~ 51516  
~~that section.~~ 51517

(2) The department disapproves the county board's three-year 51518  
plan under section 5123.046 of the Revised Code. 51519

(3) The county board fails, as required by division ~~(C)~~(B) of 51520  
section 5126.054 of the Revised Code, to update and renew its 51521  
three-year plan in accordance with a schedule the department 51522  
develops under that section. 51523

(4) The county board fails to implement its initial or renewed three-year plan approved by the department. 51524  
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(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. 51526  
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(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 51529  
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 51532  
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity 51544  
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is to administer. The other county board or entity shall be known 51556  
as the contracting authority. 51557

If the department rejects the county board's recommendation 51558  
regarding a contracting authority, the county board may appeal the 51559  
rejection under section 5123.043 of the Revised Code. 51560

If the county board does not submit a recommendation to the 51561  
department regarding a contracting authority within the required 51562  
time or the department rejects the county board's recommendation 51563  
and the rejection is upheld pursuant to an appeal, if any, under 51564  
section 5123.043 of the Revised Code, the department shall appoint 51565  
an administrative receiver to administer the services for which 51566  
the county board's medicaid local administrative authority is 51567  
terminated. To the extent necessary for the department to appoint 51568  
an administrative receiver, the department may utilize employees 51569  
of the department, management personnel from another county board, 51570  
or other individuals who are not employed by or affiliated with in 51571  
any manner a person that provides home and community-based 51572  
services or medicaid case management services pursuant to a 51573  
contract with any county board. The administrative receiver shall 51574  
assume full administrative responsibility for the county board's 51575  
services for which the county board's medicaid local 51576  
administrative authority is terminated. 51577

The contracting authority or administrative receiver shall 51578  
develop and submit to the department a plan of correction to 51579  
remediate the problems that caused the department to issue the 51580  
termination order. If, after reviewing the plan, the department 51581  
approves it, the contracting authority or administrative receiver 51582  
shall implement the plan. 51583

The county board shall transfer control of state and federal 51584  
funds it is otherwise eligible to receive for the services for 51585  
which the county board's medicaid local administrative authority 51586  
is terminated and funds the county board may use under division 51587

~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay 51588  
the nonfederal share of the services that the county board is 51589  
required by ~~division (A) of that section~~ sections 5126.059 and 51590  
5126.0510 of the Revised Code to pay. The county board shall 51591  
transfer control of the funds to the contracting authority or 51592  
administrative receiver administering the services. The amount the 51593  
county board shall transfer shall be the amount necessary for the 51594  
contracting authority or administrative receiver to fulfill its 51595  
duties in administering the services, including its duties to pay 51596  
its personnel for time worked, travel, and related matters. If the 51597  
county board fails to make the transfer, the department may 51598  
withhold the state and federal funds from the county board and 51599  
bring a mandamus action against the county board in the court of 51600  
common pleas of the county served by the county board or in the 51601  
Franklin county court of common pleas. The mandamus action may not 51602  
require that the county board transfer any funds other than the 51603  
funds the county board is required by division (B) of this section 51604  
to transfer. 51605

The contracting authority or administrative receiver has the 51606  
right to authorize the payment of bills in the same manner that 51607  
the county board may authorize payment of bills under this chapter 51608  
and section 319.16 of the Revised Code. 51609

Sec. 5126.059. A county board of mental retardation and 51610  
developmental disabilities shall pay the nonfederal share of 51611  
medicaid expenditures for medicaid case management services the 51612  
county board provides to an individual with mental retardation or 51613  
other developmental disability who the county board determines 51614  
under section 5126.041 of the Revised Code is eligible for county 51615  
board services. 51616

Sec. 5126.0510. (A) Except as otherwise provided in an 51617  
agreement entered into under section 5123.048 of the Revised Code 51618

and subject to divisions (B), (C), and (D) of this section, a 51619  
county board of mental retardation and developmental disabilities 51620  
shall pay the nonfederal share of medicaid expenditures for the 51621  
following home and community-based services provided to an 51622  
individual with mental retardation or other developmental 51623  
disability who the county board determines under section 5126.041 51624  
of the Revised Code is eligible for county board services: 51625

(1) Home and community-based services provided by the county 51626  
board to such an individual; 51627

(2) Home and community-based services provided by a provider 51628  
other than the county board to such an individual who is enrolled 51629  
as of June 30, 2007, in the medicaid waiver component under which 51630  
the services are provided; 51631

(3) Home and community-based services provided by a provider 51632  
other than the county board to such an individual who, pursuant to 51633  
a request the county board makes, enrolls in the medicaid waiver 51634  
component under which the services are provided after June 30, 51635  
2007; 51636

(4) Home and community-based services provided by a provider 51637  
other than the county board to such an individual for whom there 51638  
is in effect an agreement entered into under division (E) of this 51639  
section between the county board and director of mental 51640  
retardation and developmental disabilities. 51641

(B) In the case of medicaid expenditures for home and 51642  
community-based services for which division (A)(2) of this section 51643  
requires a county board to pay the nonfederal share, the following 51644  
shall apply to such services provided during fiscal year 2008 51645  
under the individual options medicaid waiver component: 51646

(1) The county board shall pay no less than the total amount 51647  
the county board paid as the nonfederal share for home and 51648  
community-based services provided in fiscal year 2007 under the 51649

individual options medicaid waiver component; 51650

(2) The county board shall pay no more than the sum of the 51651  
following: 51652

(a) The total amount the county board paid as the nonfederal 51653  
share for home and community-based services provided in fiscal 51654  
year 2007 under the individual options medicaid waiver component; 51655

(b) An amount equal to one per cent of the total amount the 51656  
department of mental retardation and developmental disabilities 51657  
and county board paid as the nonfederal share for home and 51658  
community-based services provided in fiscal year 2007 under the 51659  
individual options medicaid waiver component to individuals the 51660  
county board determined under section 5126.041 of the Revised Code 51661  
are eligible for county board services. 51662

(C) A county board is not required to pay the nonfederal 51663  
share of home and community-based services provided after June 30, 51664  
2008, that the county board is otherwise required by division 51665  
(A)(2) of this section to pay if the department of mental 51666  
retardation and developmental disabilities fails to comply with 51667  
division (A) of section 5123.0416 of the Revised Code. 51668

(D) A county board is not required to pay the nonfederal 51669  
share of home and community-based services that the county board 51670  
is otherwise required by division (A)(3) of this section to pay if 51671  
both of the following apply: 51672

(1) The services are provided to an individual who enrolls in 51673  
the medicaid waiver component under which the services are 51674  
provided as the result of an order issued following a state 51675  
hearing, administrative appeal, or appeal to a court of common 51676  
pleas made under section 5101.35 of the Revised Code; 51677

(2) There are more individuals who are eligible for services 51678  
from the county board enrolled in the medicaid waiver component 51679  
than is required by section 5126.0512 of the Revised Code. 51680

(E) A county board may enter into an agreement with the 51681  
director of mental retardation and developmental disabilities 51682  
under which the county board agrees to pay the nonfederal share of 51683  
medicaid expenditures for one or more home and community-based 51684  
services that the county board is not otherwise required by 51685  
division (A)(1), (2), or (3) of this section to pay and that are 51686  
provided to an individual the county board determines under 51687  
section 5126.041 of the Revised Code is eligible for county board 51688  
services. The agreement shall specify which home and 51689  
community-based services the agreement covers. The county board 51690  
shall pay the nonfederal share of medicaid expenditures for the 51691  
home and community-based services that the agreement covers as 51692  
long as the agreement is in effect. 51693

**Sec. 5126.057 5126.0511.** ~~(A) A county board of mental~~ 51694  
~~retardation and developmental disabilities that has medicaid local~~ 51695  
~~administrative authority under division (A) of section 5126.055 of~~ 51696  
~~the Revised Code for home and community based services shall pay~~ 51697  
~~the nonfederal share of medicaid expenditures for such services~~ 51698  
~~provided to an individual with mental retardation or other~~ 51699  
~~developmental disability who the county board determines under~~ 51700  
~~section 5126.041 of the Revised Code is eligible for county board~~ 51701  
~~services unless division (B)(2) or (3) of section 5123.047 of the~~ 51702  
~~Revised Code requires the department of mental retardation and~~ 51703  
~~developmental disabilities to pay the nonfederal share.~~ 51704

~~A county board that provides medicaid case management~~ 51705  
~~services shall pay the nonfederal share of medicaid expenditures~~ 51706  
~~for such services provided to an individual with mental~~ 51707  
~~retardation or other developmental disability who the county board~~ 51708  
~~determines under section 5126.041 of the Revised Code is eligible~~ 51709  
~~for county board services.~~ 51710

~~(B) A county board of mental retardation and developmental~~ 51711

disabilities may use the following funds to pay the nonfederal 51712  
share of the ~~services~~ medicaid expenditures that the county board 51713  
is required by ~~division (A)~~ sections 5126.059 and 5126.0510 of 51714  
~~this section~~ the Revised Code to pay: 51715

(1) To the extent consistent with the levy that generated the 51716  
taxes, the following taxes: 51717

(a) Taxes levied pursuant to division (L) of section 5705.19 51718  
of the Revised Code and section 5705.222 of the Revised Code; 51719

(b) Taxes levied under section 5705.191 of the Revised Code 51720  
that the board of county commissioners allocates to the county 51721  
board ~~to pay the nonfederal share of the services.~~ 51722

(2) Funds that the department of mental retardation and 51723  
developmental disabilities distributes to the county board under 51724  
sections 5126.11, ~~5126.12, 5126.15, and~~ 5126.18, ~~and 5126.44~~ of 51725  
the Revised Code; 51726

(3) Earned federal revenue funds the county board receives 51727  
for medicaid services the county board provides pursuant to the 51728  
county board's valid medicaid provider agreement; 51729

(4) Funds that the department of mental retardation and 51730  
developmental disabilities distributes to the county board as 51731  
subsidy payments; 51732

(5) In the case of medicaid expenditures for home and 51733  
community-based services, funds allocated to or otherwise made 51734  
available for the county board under section 5123.0416 of the 51735  
Revised Code to pay the nonfederal share of such medicaid 51736  
expenditures. 51737

~~(C) If by December 31, 2001, the United States secretary of 51738  
health and human services approves at least five hundred more 51739  
slots for home and community based services for calendar year 2002 51740  
than were available for calendar year 2001, each county board 51741~~

~~shall provide, by the last day of calendar year 2001, assurances 51742  
to the department of mental retardation and developmental 51743  
disabilities that the county board will have for calendar year 51744  
2002 at least one third of the value of one half, effective mill 51745  
levied in the county the preceding year available to pay the 51746  
nonfederal share of the services that the county board is required 51747  
by division (A) of this section to pay. 51748~~

~~If by December 31, 2002, the United States secretary approves 51749  
at least five hundred more slots for home and community based 51750  
services for calendar year 2003 than were available for calendar 51751  
year 2002, each county board shall provide, by the last day of 51752  
calendar year 2002, assurances to the department that the county 51753  
board will have for calendar year 2003 at least two thirds of the 51754  
value of one half, effective mill levied in the county the 51755  
preceding year available to pay the nonfederal share of the 51756  
services that the county board is required by division (A) of this 51757  
section to pay. 51758~~

~~If by December 31, 2003, the United States secretary approves 51759  
at least five hundred more slots for home and community based 51760  
services for calendar year 2004 than were available for calendar 51761  
year 2003, each county board shall provide, by the last day of 51762  
calendar year 2003 and each calendar year thereafter, assurances 51763  
to the department that the county board will have for calendar 51764  
year 2004 and each calendar year thereafter at least the value of 51765  
one half, effective mill levied in the county the preceding year 51766  
available to pay the nonfederal share of the services that the 51767  
county board is required by division (A) of this section to pay. 51768~~

~~(D) Each year, each county board shall adopt a resolution 51769  
specifying the amount of funds it will use in the next year to pay 51770  
the nonfederal share of the services medicaid expenditures that 51771  
the county board is required by ~~division (A) of this section~~ 51772  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 51773~~

amount specified shall be adequate to assure that the services for 51774  
which the medicaid expenditures are made will be available in the 51775  
county in a manner that conforms to all applicable state and 51776  
federal laws. A county board shall state in its resolution that 51777  
the payment of the nonfederal share represents an ongoing 51778  
financial commitment of the county board. A county board shall 51779  
adopt the resolution in time for the county auditor to make the 51780  
determination required by division ~~(E)~~(C) of this section. 51781

~~(E)~~(C) Each year, a county auditor shall determine whether 51782  
the amount of funds a county board specifies in the resolution it 51783  
adopts under division ~~(D)~~(B) of this section will be available in 51784  
the following year for the county board to pay the nonfederal 51785  
share of the ~~services~~ medicaid expenditures that the county board 51786  
is required by ~~division (A) of this section~~ sections 5126.059 and 51787  
5126.0510 of the Revised Code to pay. The county auditor shall 51788  
make the determination not later than the last day of the year 51789  
before the year in which the funds are to be used. 51790

**Sec. 5126.0512.** (A) As used in this section, "medicaid waiver 51791  
component" means a medicaid waiver component as defined in section 51792  
5111.85 of the Revised Code under which home and community-based 51793  
services are provided. 51794

(B) Effective July 1, 2007, each county board of mental 51795  
retardation and developmental disabilities shall ensure, for each 51796  
medicaid waiver component, that the number of individuals eligible 51797  
under section 5126.041 of the Revised Code for services from the 51798  
county board who are enrolled in a medicaid waiver component is no 51799  
less than the sum of the following: 51800

(1) The number of individuals eligible for services from the 51801  
county board who are enrolled in the medicaid waiver component on 51802  
June 30, 2007; 51803

(2) The number of medicaid waiver component slots the county 51804



board requested before July 1, 2007, that were assigned to the 51805  
county board before that date but in which no individual was 51806  
enrolled before that date. 51807

(C) An individual enrolled in a medicaid waiver component 51808  
after March 1, 2007, due to an emergency reserve capacity waiver 51809  
assignment shall not be counted in determining the number of 51810  
individuals a county board must ensure under division (B) of this 51811  
section are enrolled in a medicaid waiver component. 51812

(D) An individual who is enrolled in a medicaid waiver 51813  
component to comply with the terms of the consent order filed 51814  
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 51815  
the United States district court for the southern district of 51816  
Ohio, eastern division, shall be excluded in determining whether a 51817  
county board has complied with division (B) of this section. 51818

(E) A county board shall make as many requests for 51819  
individuals to be enrolled in a medicaid waiver component as 51820  
necessary for the county board to comply with division (B) of this 51821  
section. 51822

**Sec. 5126.06.** (A) Except as provided in division (B) of this 51823  
section ~~and section 5126.036 of the Revised Code~~, any person who 51824  
has a complaint involving any of the programs, services, policies, 51825  
or administrative practices of a county board of mental 51826  
retardation and developmental disabilities or any of the entities 51827  
under contract with the county board, may file a complaint with 51828  
the board. Prior to commencing a civil action regarding the 51829  
complaint, a person shall attempt to have the complaint resolved 51830  
through the administrative resolution process established in the 51831  
rules adopted under section 5123.043 of the Revised Code. After 51832  
exhausting the administrative resolution process, the person may 51833  
commence a civil action if the complaint is not settled to the 51834  
person's satisfaction. 51835

(B) An employee of a county board may not file under this 51836  
section a complaint related to the terms and conditions of 51837  
employment of the employee. 51838

**Sec. 5126.12.** (A) As used in this section: 51839

(1) "Approved school age class" means a class operated by a 51840  
county board of mental retardation and developmental disabilities 51841  
and funded by the department of education under section 3317.20 of 51842  
the Revised Code. 51843

(2) "Approved preschool unit" means a class or unit operated 51844  
by a county board of mental retardation and developmental 51845  
disabilities and approved under division (B) of section 3317.05 of 51846  
the Revised Code. 51847

(3) "Active treatment" means a continuous treatment program, 51848  
which includes aggressive, consistent implementation of a program 51849  
of specialized and generic training, treatment, health services, 51850  
and related services, that is directed toward the acquisition of 51851  
behaviors necessary for an individual with mental retardation or 51852  
other developmental disability to function with as much 51853  
self-determination and independence as possible and toward the 51854  
prevention of deceleration, regression, or loss of current optimal 51855  
functional status. 51856

(4) "Eligible for active treatment" means that an individual 51857  
with mental retardation or other developmental disability resides 51858  
in an intermediate care facility for the mentally retarded 51859  
certified under Title XIX of the "Social Security Act," 79 Stat. 51860  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 51861  
institution operated by the department of mental retardation and 51862  
developmental disabilities; or is enrolled in home and 51863  
community-based services. 51864

(5) "Traditional adult services" means vocational and 51865

nonvocational activities conducted within a sheltered workshop or adult activity center or supportive home services.	51866 51867
(B) Each county board of mental retardation and developmental disabilities shall certify to the director of mental retardation and developmental disabilities all of the following:	51868 51869 51870
(1) On or before the fifteenth day of October, the average daily membership for the first full week of programs and services during October receiving:	51871 51872 51873
(a) Early childhood services provided pursuant to section 5126.05 of the Revised Code for children who are less than three years of age on the thirtieth day of September of the academic year;	51874 51875 51876 51877
(b) Special education for <del>handicapped</del> children <u>with</u> <u>disabilities</u> in approved school age classes;	51878 51879
(c) Adult services for persons sixteen years of age and older operated pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code. Separate counts shall be made for the following:	51880 51881 51882 51883
(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;	51884 51885
(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;	51886 51887
(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment;	51888 51889
(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.	51890 51891 51892 51893
(d) Other programs in the county for individuals with mental retardation and developmental disabilities that have been approved	51894 51895

for payment of subsidy by the department of mental retardation and 51896  
developmental disabilities. 51897

The membership in each such program and service in the county 51898  
shall be reported on forms prescribed by the department of mental 51899  
retardation and developmental disabilities. 51900

The department of mental retardation and developmental 51901  
disabilities shall adopt rules defining full-time equivalent 51902  
enrollees and for determining the average daily membership 51903  
therefrom, except that certification of average daily membership 51904  
in approved school age classes shall be in accordance with rules 51905  
adopted by the state board of education. The average daily 51906  
membership figure shall be determined by dividing the amount 51907  
representing the sum of the number of enrollees in each program or 51908  
service in the week for which the certification is made by the 51909  
number of days the program or service was offered in that week. No 51910  
enrollee may be counted in average daily membership for more than 51911  
one program or service. 51912

(2) By the fifteenth day of December, the number of children 51913  
enrolled in approved preschool units on the first day of December; 51914

(3) On or before the thirtieth day of ~~March~~ April, an 51915  
itemized report of all income and operating expenditures for the 51916  
immediately preceding calendar year, in the format specified by 51917  
the department of mental retardation and developmental 51918  
disabilities; 51919

~~(4) By the fifteenth day of February, a report of the total 51920  
annual cost per enrollee for operation of programs and services in 51921  
the preceding calendar year. The report shall include a grand 51922  
total of all programs operated, the cost of the individual 51923  
programs, and the sources of funds applied to each program. 51924~~

~~(5) That each required certification and report is in 51925  
accordance with rules established by the department of mental 51926~~

retardation and developmental disabilities and the state board of 51927  
education for the operation and subsidization of the programs and 51928  
services. 51929

~~(C) To compute payments under this section to the board for 51930  
the fiscal year, the department of mental retardation and 51931  
developmental disabilities shall use the certification of average 51932  
daily membership required by division (B)(1) of this section 51933  
exclusive of the average daily membership in any approved school 51934  
age class and the number in any approved preschool unit. 51935~~

~~(D) The department shall pay each county board for each 51936  
fiscal year an amount equal to nine hundred fifty dollars times 51937  
the certified number of persons who on the first day of December 51938  
of the academic year are under three years of age and are not in 51939  
an approved preschool unit. For persons who are at least age 51940  
sixteen and are not in an approved school age class, the 51941  
department shall pay each county board for each fiscal year the 51942  
following amounts: 51943~~

~~(1) One thousand dollars times the certified average daily 51944  
membership of persons enrolled in traditional adult services who 51945  
are eligible for but not enrolled in active treatment; 51946~~

~~(2) One thousand two hundred dollars times the certified 51947  
average daily membership of persons enrolled in traditional adult 51948  
services who are eligible for and enrolled in active treatment; 51949~~

~~(3) No less than one thousand five hundred dollars times the 51950  
certified average daily membership of persons enrolled in 51951  
traditional adult services but who are not eligible for active 51952  
treatment; 51953~~

~~(4) No less than one thousand five hundred dollars times the 51954  
certified average daily membership of persons participating in 51955  
community employment services. 51956~~

~~(E) The department shall distribute this subsidy to county 51957~~

~~boards in quarterly installments of equal amounts. The 51958  
installments shall be made not later than the thirtieth day of 51959  
September, the thirty first day of December, the thirty first day 51960  
of March, and the thirtieth day of June. 51961~~

~~(F) The director of mental retardation and developmental 51962  
disabilities shall make efforts to obtain increases in the 51963  
subsidies for early childhood services and adult services so that 51964  
the amount of the subsidies is equal to at least fifty per cent of 51965  
the statewide average cost of those services minus any applicable 51966  
federal reimbursements for those services. The director shall 51967  
advise the director of budget and management of the need for any 51968  
such increases when submitting the biennial appropriations request 51969  
for the department. 51970~~

~~(G) In determining the reimbursement of a county board for 51971  
the provision of service and support administration, family 51972  
support services, and other services required or approved by the 51973  
director for which children three through twenty one years of age 51974  
are eligible, the department shall include the average daily 51975  
membership in approved school age or preschool units. The 51976  
department, in accordance with this section and upon receipt and 51977  
approval of the certification required by this section and any 51978  
other information it requires to enable it to determine a board's 51979  
payments, shall pay the agency providing the specialized training 51980  
the amounts payable under this section. 51981~~

**Sec. 5126.15.** (A) A county board of mental retardation and 51983  
developmental disabilities shall provide service and support 51984  
administration to each individual three years of age or older who 51985  
is eligible for service and support administration if the 51986  
individual requests, or a person on the individual's behalf 51987  
requests, service and support administration. A board shall 51988  
provide service and support administration to each individual 51989

receiving home and community-based services. A board may provide, 51990  
in accordance with the service coordination requirements of 34 51991  
C.F.R. 303.23, service and support administration to an individual 51992  
under three years of age eligible for early intervention services 51993  
under 34 C.F.R. part 303. A board may provide service and support 51994  
administration to an individual who is not eligible for other 51995  
services of the board. Service and support administration shall be 51996  
provided in accordance with rules adopted under section 5126.08 of 51997  
the Revised Code. 51998

A board may provide service and support administration by 51999  
directly employing service and support administrators or by 52000  
contracting with entities for the performance of service and 52001  
support administration. Individuals employed or under contract as 52002  
service and support administrators shall not be in the same 52003  
collective bargaining unit as employees who perform duties that 52004  
are not administrative. 52005

Individuals employed by a board as service and support 52006  
administrators shall not be assigned responsibilities for 52007  
implementing other services for individuals and shall not be 52008  
employed by or serve in a decision-making or policy-making 52009  
capacity for any other entity that provides programs or services 52010  
to individuals with mental retardation or developmental 52011  
disabilities. An individual employed as a conditional status 52012  
service and support administrator shall perform the duties of 52013  
service and support administration only under the supervision of a 52014  
management employee who is a service and support administration 52015  
supervisor. 52016

(B) The individuals employed by or under contract with a 52017  
board to provide service and support administration shall do all 52018  
of the following: 52019

(1) Establish an individual's eligibility for the services of 52020  
the county board of mental retardation and developmental 52021

disabilities;	52022
(2) Assess individual needs for services;	52023
(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of mental retardation and developmental disabilities when services included in the plans are funded through medicaid;	52024 52025 52026 52027 52028 52029 52030
(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;	52031 52032
(5) Assist individuals in making selections from among the providers they have chosen;	52033 52034
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	52035 52036
(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;	52037 52038 52039 52040
(8) Perform quality assurance reviews as a distinct function of service and support administration;	52041 52042
(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;	52043 52044 52045 52046 52047
(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	52048 52049 52050 52051



in accordance with the individual's service plan. The service and 52052  
support administrator shall give the individual receiving services 52053  
an opportunity to designate the person to provide daily 52054  
representation. If the individual declines to make a designation, 52055  
the administrator shall make the designation. In either case, the 52056  
individual receiving services may change at any time the person 52057  
designated to provide daily representation. 52058

~~(C) Subject to available funds, the department of mental 52059  
retardation and developmental disabilities shall pay a county 52060  
board an annual subsidy for service and support administration. 52061  
The amount of the subsidy shall be equal to the greater of twenty 52062  
thousand dollars or two hundred dollars times the board's 52063  
certified average daily membership. The payments shall be made in 52064  
quarterly installments of equal amounts, which shall be made no 52065  
later than the thirtieth day of September, the thirty first day of 52066  
December, the thirty first day of March, and the thirtieth day of 52067  
June. Funds received shall be used solely for service and support 52068  
administration. 52069~~

**Sec. 5126.18.** (A) As used in this section: 52071

(1) "County board" means a county board of mental retardation 52072  
and developmental disabilities. 52073

(2) Notwithstanding section 5126.01 of the Revised Code, 52074  
"adult services" means the following services, as they are 52075  
identified on individual information forms submitted by county 52076  
boards to the department of mental retardation and developmental 52077  
disabilities ~~for the purpose of subsidies paid to county boards 52078  
under section 5126.12 of the Revised Code,~~ provided to an 52079  
individual with mental retardation or other developmental 52080  
disability who is at least twenty-two years of age: 52081

(a) Assessment; 52082

(b) Home service;	52083
(c) Adult program;	52084
(d) Community employment services;	52085
(e) Retirement.	52086
(3) "Adult services enrollment" means a county board's	52087
average daily membership in adult services, exclusive of such	52088
services provided to individuals served solely through service and	52089
support administration provided pursuant to section 5126.15 of the	52090
Revised Code or family support services provided pursuant to	52091
section 5126.11 of the Revised Code.	52092
(4) "Taxable value" means the taxable value of a county board	52093
certified under division (B)(1) of this section.	52094
(5) "Per-mill yield" of a county board means the quotient	52095
obtained by dividing (a) the taxable value of the county board by	52096
(b) one thousand.	52097
(6) "Local adult services cost" means a county board's	52098
expenditures for adult services, excluding all federal and state	52099
reimbursements and subsidy allocations received by such boards and	52100
expended for such services, as certified under section 5126.12 of	52101
the Revised Code.	52102
(7) "Statewide average millage" means one thousand multiplied	52103
by the quotient obtained by dividing (a) the total of the local	52104
adult services costs of all county boards by (b) the total of the	52105
taxable values of all county boards.	52106
(8) "County yield" of a county board means the product	52107
obtained by multiplying (a) the statewide average millage by (b)	52108
the per-mill yield of the county board.	52109
(9) "County yield per enrollee" of a county board means the	52110
quotient obtained by dividing (a) the county yield of the county	52111
board by (b) the adult enrollment of the county board.	52112

(10) "Statewide yield per enrollee" means the quotient 52113  
obtained by dividing (a) the sum of the county yields of all 52114  
county boards by (b) the sum of the adult enrollments of all 52115  
county boards. 52116

(11) "Local tax effort for adult services" of a county board 52117  
means one thousand multiplied by the quotient obtained by dividing 52118  
(a) the local adult services cost of the county board by (b) the 52119  
taxable value of the county board. 52120

(12) "Funding percentage" for a fiscal year means the 52121  
percentage that the amount appropriated to the department for the 52122  
purpose of making payments under this section in the fiscal year 52123  
is of the amount computed under division (C)(3) of this section 52124  
for the fiscal year. 52125

(13) "Funding-adjusted required millage" for a fiscal year 52126  
means the statewide average millage multiplied by the funding 52127  
percentage for that fiscal year. 52128

(B)(1) On the request of the director of mental retardation 52129  
and developmental disabilities, the tax commissioner shall provide 52130  
to the department of mental retardation and developmental 52131  
disabilities information specifying the taxable value of property 52132  
on each county's tax list of real and public utility property and 52133  
tax list of personal property for the most recent tax year for 52134  
which such information is available. The director may request any 52135  
other tax information necessary for the purposes of this section. 52136

(2) On the request of the director, each county board shall 52137  
report the county board's adult services enrollment and local 52138  
adult services cost. 52139

(C) Each year, the department of mental retardation and 52140  
developmental disabilities shall compute the following: 52141

(1) For each county board, the amount, if any, by which the 52142  
statewide yield per enrollee exceeds the county yield per 52143

enrollee; 52144

(2) For each county board, the amount of any excess computed 52145  
under division (C)(1) of this section multiplied by the adult 52146  
services enrollment of the county board; 52147

(3) The sum of the amounts computed under division (C)(2) of 52148  
this section for all county boards. 52149

(D) From money appropriated for the purpose, the department 52150  
shall provide for payment to each county board of the amount 52151  
computed for that county board under division (C)(2) of this 52152  
section, subject to any reduction or adjustment under division 52153  
(E), (F), or (G) of this section. The department shall make the 52154  
payments in quarterly installments of equal amounts. The 52155  
installments shall be made not later than the thirtieth day of 52156  
September, thirty-first day of December, thirty-first day of 52157  
March, and thirtieth day of June. 52158

(E) If a county board's local tax effort for adult services 52159  
is less than the funding-adjusted required millage, the director 52160  
shall reduce the amount of payment otherwise computed under 52161  
division (C)(2) of this section so that the amount paid, after the 52162  
reduction, is the same percentage of the amount computed under 52163  
division (C)(2) of this section as the county board's local tax 52164  
effort for adult services is of the funding-adjusted required 52165  
millage. 52166

If the director reduces the amount of a county board's 52167  
payment under this division, the department, not later than the 52168  
fifteenth day of July, shall notify the county board of the 52169  
reduction and the amount of the reduction. The notice shall 52170  
include a statement that the county board may request to be 52171  
exempted from the reduction by filing a request with the director, 52172  
in the manner and form prescribed by the director, within 52173  
twenty-one days after such notification is issued. The board may 52174

present evidence of its attempt to obtain passage of levies or any 52175  
other extenuating circumstances the board considers relevant. If 52176  
the county board requests a hearing before the director to present 52177  
such evidence, the director shall conduct a hearing on the request 52178  
unless the director exempts the board from the reduction on the 52179  
basis of the evidence presented in the request filed by the board. 52180  
Upon receiving a properly and timely filed request for exemption, 52181  
but not later than the thirty-first day of August, the director 52182  
shall determine whether the county board shall be exempted from 52183  
all or a part of the reduction. The director may exempt the board 52184  
from all or part of the reduction if the director finds that the 52185  
board has made good faith efforts to obtain passage of tax levies 52186  
or that there are extenuating circumstances. 52187

(F) If a payment is reduced under division (E) of this 52188  
section and the director does not exempt the county board from the 52189  
reduction, the amount of the reduction shall be apportioned among 52190  
all county boards entitled to payments under this section for 52191  
which payments were not so reduced. The amount apportioned to each 52192  
county board shall be proportionate to the amount of the board's 52193  
payment as computed under division (C)(2) of this section. 52194

(G) If, for any fiscal year, the amount appropriated to the 52195  
department for the purpose of this section is less than the amount 52196  
computed under division (C)(3) of this section for the fiscal 52197  
year, the department shall adjust the amount of each payment as 52198  
computed under divisions (C)(2), (E), and (F) of this section by 52199  
multiplying that amount by the funding percentage. 52200

(H) The payments authorized by this section are supplemental 52201  
to all other funds that may be received by a county board. A 52202  
county board shall use the payments solely to pay the nonfederal 52203  
share of medicaid expenditures that ~~division (A) of section~~ 52204  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 52205  
~~requires~~ require the county board to pay. 52206

Sec. 5126.19. (A) The director of mental retardation and 52207  
developmental disabilities may grant temporary funding from the 52208  
community mental retardation and developmental disabilities trust 52209  
fund based on allocations to county boards of mental retardation 52210  
and developmental disabilities. The director may distribute all or 52211  
part of the funding directly to a county board, the persons who 52212  
provide the services for which the funding is granted, or persons 52213  
with mental retardation or developmental disabilities who are to 52214  
receive those services. 52215

(B) Funding granted under division (A) of this section shall 52216  
be granted according to the availability of moneys in the fund and 52217  
priorities established by the director. Funding may be granted for 52218  
any of the following purposes: 52219

(1) Behavioral or short-term interventions for persons with 52220  
mental retardation or developmental disabilities that assist them 52221  
in remaining in the community by preventing institutionalization; 52222

(2) Emergency respite care services, as defined in section 52223  
5126.11 of the Revised Code; 52224

(3) Family support services provided under section 5126.11 of 52225  
the Revised Code; 52226

(4) Supported living, as defined in section 5126.01 of the 52227  
Revised Code; 52228

(5) Staff training for county board employees, employees of 52229  
providers of residential services as defined in section 5126.01 of 52230  
the Revised Code, and other personnel under contract with a county 52231  
board, to provide the staff with necessary training in serving 52232  
mentally retarded or developmentally disabled persons in the 52233  
community; 52234

(6) Short-term provision of early childhood services provided 52235  
under section 5126.05, adult services provided under sections 52236

5126.05 and 5126.051, and service and support administration 52237  
provided under section 5126.15 of the Revised Code, when local 52238  
moneys are insufficient to meet the need for such services due to 52239  
the successive failure within a two-year period of three or more 52240  
proposed levies for the services; 52241

(7) Contracts with providers of residential services to 52242  
maintain persons with mental retardation and developmental 52243  
disabilities in their programs and avoid institutionalization. 52244

(C) If the trust fund contains more than ten million dollars 52245  
on the first day of July the director shall use ~~one million~~ 52246  
~~dollars for payments under section 5126.12 of the Revised Code,~~ 52247  
one million dollars for payments under section 5126.18 of the 52248  
Revised Code, ~~and two million dollars for payments under section~~ 52249  
~~5126.44 of the Revised Code~~ subsidies to county boards for 52250  
supported living, and one million dollars for subsidies to county 52251  
boards for early childhood services and adult services provided 52252  
under section 5126.05 of the Revised Code. Distributions of funds 52253  
under this division shall be made prior to August 31 of the state 52254  
fiscal year in which the funds are available. The funds shall be 52255  
allocated to a county board in an amount equal to the same 52256  
percentage of the total amount allocated to the county board the 52257  
immediately preceding state fiscal year. 52258

(D) In addition to making grants under division (A) of this 52259  
section, the director may use money available in the trust fund 52260  
for the same purposes that rules adopted under section 5123.0413 52261  
of the Revised Code provide for money in the state MR/DD risk fund 52262  
and the state insurance against MR/DD risk fund, both created 52263  
under that section, to be used. 52264

**Sec. 5126.25.** (A) The director of mental retardation and 52265  
developmental disabilities shall adopt rules in accordance with 52266  
Chapter 119. of the Revised Code establishing uniform standards 52267

and procedures for the certification of persons for employment by 52268  
county boards of mental retardation and developmental disabilities 52269  
as superintendents, management employees, and professional 52270  
employees and uniform standards and procedures for the 52271  
registration of persons for employment by county boards as 52272  
registered service employees. As part of the rules, the director 52273  
may establish continuing education and professional training 52274  
requirements for renewal of certificates and evidence of 52275  
registration and shall establish such requirements for renewal of 52276  
an investigative agent certificate. In the rules, the director 52277  
shall establish certification standards for employment in the 52278  
position of investigative agent that require an individual to have 52279  
or obtain no less than an associate degree from an accredited 52280  
college or university or have or obtain comparable experience or 52281  
training. The director shall not adopt rules that require any 52282  
service employee to have or obtain a bachelor's or higher degree. 52283

The director shall adopt the rules in a manner that provides 52284  
for the issuance of certificates and evidence of registration 52285  
according to categories, levels, and grades. The rules shall 52286  
describe each category, level, and grade. 52287

The rules adopted under this division shall apply to persons 52288  
employed or seeking employment in a position that includes 52289  
directly providing, or supervising persons who directly provide, 52290  
services or instruction to or on behalf of individuals with mental 52291  
retardation or developmental disabilities, except that the rules 52292  
shall not apply to persons who hold a valid license issued under 52293  
Chapter 3319. of the Revised Code and perform no duties other than 52294  
teaching or supervision of a teaching program or persons who hold 52295  
a valid license or certificate issued under Title XLVII of the 52296  
Revised Code and perform only those duties governed by the license 52297  
or certificate. The rules shall specify the positions that require 52298  
certification or registration. The rules shall specify that the 52299



position of investigative agent requires certification. 52300

(B) The director shall adopt rules in accordance with Chapter 52301  
119. of the Revised Code establishing standards for approval of 52302  
courses of study to prepare persons to meet certification 52303  
requirements. The director shall approve courses of study meeting 52304  
the standards and provide for the inspection of the courses to 52305  
ensure the maintenance of satisfactory training procedures. The 52306  
director shall approve courses of study only if given by a state 52307  
university or college as defined in section 3345.32 of the Revised 52308  
Code, a state university or college of another state, or an 52309  
institution that has received a certificate of authorization to 52310  
confer degrees from the board of regents pursuant to Chapter 1713. 52311  
of the Revised Code or from a comparable agency of another state. 52312

(C) Each applicant for a certificate for employment or 52313  
evidence of registration for employment by a county board shall 52314  
apply to the department of mental retardation and developmental 52315  
disabilities on forms that the director of the department shall 52316  
prescribe and provide. The application shall be accompanied by the 52317  
application fee established in rules adopted under this section. 52318

(D) The director shall issue a certificate for employment to 52319  
each applicant who meets the standards for certification 52320  
established under this section and shall issue evidence of 52321  
registration for employment to each applicant who meets the 52322  
standards for registration established under this section. Each 52323  
certificate or evidence of registration shall state the category, 52324  
level, and grade for which it is issued. 52325

The director shall issue, renew, deny, suspend, or revoke 52326  
certificates and evidence of registration in accordance with rules 52327  
adopted under this section. The director shall deny, suspend, or 52328  
revoke a certificate or evidence of registration if the director 52329  
finds, pursuant to an adjudication conducted in accordance with 52330  
Chapter 119. of the Revised Code, that the applicant for or holder 52331

of the certificate or evidence of registration is guilty of 52332  
intemperate, immoral, or other conduct unbecoming to the 52333  
applicant's or holder's position, or is guilty of incompetence or 52334  
negligence within the scope of the applicant's or holder's duties. 52335  
The director shall deny or revoke a certificate or evidence of 52336  
registration if the director finds, pursuant to an adjudication 52337  
conducted in accordance with Chapter 119. of the Revised Code, 52338  
that the applicant for or holder of the certificate or evidence of 52339  
registration has been convicted of or pleaded guilty to any of the 52340  
offenses described in division (E) of section 5126.28 of the 52341  
Revised Code, unless the individual meets standards for 52342  
rehabilitation that the director establishes in the rules adopted 52343  
under that section. Evidence supporting such allegations shall be 52344  
presented to the director in writing and the director shall 52345  
provide prompt notice of the allegations to the person who is the 52346  
subject of the allegations. A denial, suspension, or revocation 52347  
may be appealed in accordance with procedures the director shall 52348  
establish in the rules adopted under this section. 52349

(E)(1) A person holding a valid certificate under this 52350  
section on the effective date of any rules adopted under this 52351  
section that increase certification standards shall have such 52352  
period as the rules prescribe, but not less than one year after 52353  
the effective date of the rules, to meet the new certification 52354  
standards. 52355

A person who is registered under this section on the 52356  
effective date of any rule that changes the standards adopted 52357  
under this section shall have such period as the rules prescribe, 52358  
but not less than one year, to meet the new registration 52359  
standards. 52360

(2) If an applicant for a certificate for employment has not 52361  
completed the courses of instruction necessary to meet the 52362  
department's standards for certification, the department shall 52363

inform the applicant of the courses the applicant must 52364  
successfully complete to meet the standards and shall specify the 52365  
time within which the applicant must complete the courses. The 52366  
department shall grant the applicant at least one year to complete 52367  
the courses and shall not require the applicant to complete more 52368  
than four courses in any one year. The applicant is not subject to 52369  
any changes regarding the courses required for certification that 52370  
are made after the department informs the applicant of the courses 52371  
the applicant must complete, unless the applicant does not 52372  
successfully complete the courses within the time specified by the 52373  
department. 52374

(F) A person who holds a certificate or evidence of 52375  
registration, other than one designated as temporary, is qualified 52376  
to be employed according to that certificate or evidence of 52377  
registration by any county board. 52378

(G) The director shall monitor county boards to ensure that 52379  
their employees who must be certified or registered are 52380  
appropriately certified or registered and performing those 52381  
functions they are authorized to perform under their certificate 52382  
or evidence of registration. 52383

(H) A county board superintendent or the superintendent's 52384  
designee may certify to the director that county board employees 52385  
who are required to meet continuing education or professional 52386  
training requirements as a condition of renewal of certificates or 52387  
evidence of registration have met the requirements. The 52388  
superintendent or the superintendent's designee shall maintain in 52389  
appropriate personnel files evidence acceptable to the director 52390  
that the employees have met the requirements and permit 52391  
representatives of the department access to the evidence on 52392  
request. 52393

(I) All fees collected pursuant to this section shall be 52394  
deposited in the state treasury to the credit of the ~~employee~~ 52395

~~certification and registration program fee fund, which is hereby 52396  
created under section 5123.033 of the Revised Code. Money credited 52397  
to the fund shall be used solely for the operation of the 52398  
certification and registration program established under this 52399  
section and for providing continuing training to county board 52400  
employees. 52401~~

(J) Employees of entities that contract with county boards of 52402  
mental retardation and developmental disabilities to operate 52403  
programs and services for individuals with mental retardation and 52404  
developmental disabilities are subject to the certification and 52405  
registration requirements established under section 5123.082 of 52406  
the Revised Code. 52407

**Sec. 5126.40.** (A) Sections 5126.40 to 5126.47 of the Revised 52408  
Code do not apply to medicaid-funded supported living. 52409

~~(B) As used in this section and sections 5126.41 5126.40 to 52410  
5126.47 of the Revised Code, "provider" means a person or 52411  
government entity certified by the department director of mental 52412  
retardation and developmental disabilities to provide supported 52413  
living for individuals with mental retardation and developmental 52414  
disabilities. 52415~~

~~(B) This division is in effect until July 1, 1995. By 52416  
adoption of a resolution by affirmative vote of a majority of its 52417  
members, a county board of mental retardation and developmental 52418  
disabilities shall have authority to plan and develop supported 52419  
living for individuals with mental retardation and developmental 52420  
disabilities who are residents of the county and, as provided in 52421  
sections 5126.41 to 5126.47 of the Revised Code, contract with 52422  
providers and enter into shared funding arrangements. The board's 52423  
authority under this division is effective on the department's 52424  
receipt of the resolution. 52425~~

(C) On and after July 1, 1995, each county board shall plan 52426

and develop supported living for individuals with mental 52427  
retardation and developmental disabilities who are residents of 52428  
the county in accordance with sections 5126.41 to 5126.47 of the 52429  
Revised Code. 52430

**Sec. 5126.42.** (A) A county board of mental retardation and 52431  
developmental disabilities shall establish an advisory council 52432  
composed of board members or employees of the board, providers, 52433  
individuals receiving supported living, and advocates for 52434  
individuals receiving supported living to provide on-going 52435  
communication among all persons concerned with supported living. 52436

(B) The board shall develop procedures for the resolution of 52437  
grievances between the board and providers or between the board 52438  
and an entity with which it has a shared funding agreement. 52439

(C) The board shall develop and implement a provider 52440  
selection system. Each system shall enable an individual to choose 52441  
to continue receiving supported living from the same providers, to 52442  
select additional providers, or to choose alternative providers. 52443  
Annually, the board shall review its provider selection system to 52444  
determine whether it has been implemented in a manner that allows 52445  
individuals fair and equitable access to providers. 52446

In developing a provider selection system, the county board 52447  
shall create a pool of providers for individuals to use in 52448  
choosing their providers of supported living. The pool shall be 52449  
created by placing in the pool all providers on record with the 52450  
board or by placing in the pool all providers approved by the 52451  
board through soliciting requests for proposals for supported 52452  
living contracts. In either case, only providers that are 52453  
certified by the ~~department~~ director of mental retardation and 52454  
developmental disabilities ~~and in compliance with the quality~~ 52455  
~~assurance standards established in rules adopted by the department~~ 52456  
may be placed in the pool. 52457

If the board places all providers on record in the pool, the board shall review the pool at least annually to determine whether each provider has continued interest in being a provider and has maintained its certification by the department. At any time, an interested and certified provider may make a request to the board that it be added to the pool, and the board shall add the provider to the pool not later than seven days after receiving the request.

If the board solicits requests for proposals for inclusion of providers in the pool, the board shall develop standards for selecting the providers to be included. Requests for proposals shall be solicited at least annually. When requests are solicited, the board shall cause legal notices to be published at least once each week for two consecutive weeks in a newspaper with general circulation within the county. The board's formal request for proposals shall include a description of any applicable contract terms, the standards that are used to select providers for inclusion in the pool, and the process the board uses to resolve disputes arising from the selection process. The board shall accept requests from any entity interested in being a provider of supported living for individuals served by the board. Requests shall be approved or denied according to the standards developed by the board. Providers that previously have been placed in the pool are not required to resubmit a request for proposal to be included in the pool, unless the board's standards have been changed.

In assisting an individual in choosing a provider, the county board shall provide the individual with uniform and consistent information pertaining to each provider in the pool, ~~including the provider evaluations conducted under section 5126.431 of the Revised Code on and after July 1, 1995.~~ An individual may choose to receive supported living from a provider that is not included in the pool, if the provider is certified by the ~~department~~

~~director of mental retardation and developmental disabilities and  
in compliance with the quality assurance standards established in  
rules adopted by the department.~~ 52490  
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**Sec. 5126.43.** (A) After receiving notice from the department 52493  
of mental retardation and developmental disabilities of the amount 52494  
~~of state funds~~ to be distributed to it ~~under section 5126.44 of~~ 52495  
~~the Revised Code for planning, developing, contracting for, and~~ 52496  
~~providing supported living~~, the county board of mental retardation 52497  
and developmental disabilities shall arrange for supported living 52498  
on behalf of and with the consent of individuals based on their 52499  
individual service plans developed under section 5126.41 of the 52500  
Revised Code. With the state distribution and any other money 52501  
designated by the board for supported living, the board shall 52502  
arrange for supported living in one or more of the following ways: 52503

(1) By contracting under section 5126.45 of the Revised Code 52504  
with providers selected by the individual to be served; 52505

(2) By entering into shared funding agreements with state 52506  
agencies, local public agencies, or political subdivisions at 52507  
rates negotiated by the board; 52508

(3) By providing direct payment or vouchers to be used to 52509  
purchase supported living, pursuant to a written contract in an 52510  
amount determined by the board, to the individual or a person 52511  
providing the individual with protective services as defined in 52512  
section 5123.55 of the Revised Code. 52513

(B) ~~When the board contracts for supported living on behalf~~ 52514  
~~of an individual, the~~ The board may contract arrange for supported 52515  
living only with providers that are certified by the ~~department~~ 52516  
director of mental retardation and developmental disabilities ~~and~~ 52517  
~~are in compliance with the quality assurance standards established~~ 52518  
~~in rules adopted by the department. The contract terms shall be as~~ 52519  
~~provided in section 5126.45 of the Revised Code.~~ 52520

When no certified provider is willing and able to provide supported living for an individual in accordance with the terms of the individual service plan for that individual, a county board may provide supported living directly, if it ~~complies with certification and quality assurance standards established by the department~~ is certified by the director of mental retardation and developmental disabilities to provide supported living.

A county board may, for a period not to exceed ninety days, contract for or provide supported living without meeting the requirements of this section for an individual it determines to be in emergency need of supported living. Thereafter, the individual shall choose providers in accordance with sections 5126.41 and 5126.42 of the Revised Code.

**Sec. 5126.45.** (A) A contract between a county board of mental retardation and developmental disabilities and a provider of supported living shall be in writing and shall be based on the individual service plan developed by the individual under section 5126.41 of the Revised Code. The plan may be submitted as an addendum to the contract. An individual receiving services pursuant to a contract shall be considered a third-party beneficiary to the contract.

~~The board shall not contract with a provider to provide a residence to a person to whom the provider is providing other supported living services, unless one of the following applies:~~

~~(1) The provider is under contract with the board for both residence and services on July 17, 1990, and the contract is being renewed.~~

~~(2) The provider has a contract being transferred from the state to the county board under section 5126.451 of the Revised Code and the contract is being renewed.~~



~~(3) The provider lives in the residence and provides services to not more than three persons who reside in the residence at any one time.~~ 52551  
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~~(4) The provider is an association of family members related to two or more of the persons who reside in the residence and provides services to not more than four persons who reside in the residence at any one time.~~ 52554  
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(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following: 52558  
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(1) The contract period and conditions for renewal; 52561

(2) The services to be provided pursuant to the individual service plan; 52562  
52563

(3) The rights and responsibilities of all parties to the contract; 52564  
52565

(4) The methods that will be used to evaluate the services delivered by the provider; 52566  
52567

(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree; 52568  
52569

(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable; 52570  
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52572

(7) Procedures for the retention of applicable records; 52573

(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract; 52574  
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52576

(9) Methods to be used to document services provided; 52577

(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract; 52578  
52579

(11) The method and schedule the board will use to make 52580  
payments to the provider and whether periodic payment adjustments 52581  
will be made to the provider; 52582

(12) Provisions for conducting fiscal reconciliations for 52583  
payments made through methods other than a fee-for-service 52584  
arrangement. 52585

(C) Payments to the provider under a supported living 52586  
contract must be determined by the board to be reasonable in 52587  
accordance with policies and procedures developed by the board. 52588  
Goods or services provided without charge to the provider shall 52589  
not be included as expenditures of the provider. 52590

(D) The board shall establish procedures for reconciling 52591  
expenditures and payments, other than those made under a 52592  
fee-for-service arrangement, for the prior contract year when a 52593  
contract is not renewed and shall reconcile expenditures and 52594  
payments in accordance with these procedures. 52595

(E) A provider or an entity with which the board has entered 52596  
into a shared funding agreement may appeal a negotiated contract 52597  
or proposed shared funding rate to the county board using the 52598  
procedures established by the board under section 5126.42 of the 52599  
Revised Code. 52600

**Sec. 5126.47.** A county board of mental retardation and 52601  
developmental disabilities ~~that has adopted a resolution under~~ 52602  
~~section 5126.40 of the Revised Code~~ may, pursuant to a resolution 52603  
adopted by an affirmative vote of the majority of its members, 52604  
establish, by agreement with one or more other county boards of 52605  
mental retardation and developmental disabilities, a residential 52606  
services consortium to jointly provide residential services and 52607  
supported living. The agreement shall designate one board to 52608  
assume the fiscal responsibilities for the consortium. The county 52609  
auditor of the designated county shall establish a community 52610

mental retardation and developmental disabilities residential 52611  
services fund for the consortium. Each board that is a member of 52612  
the consortium shall cause to be deposited in the fund ~~all moneys~~ 52613  
~~distributed to it by the department of mental retardation and~~ 52614  
~~developmental disabilities under section 5126.44 of the Revised~~ 52615  
~~Code and any other~~ state or federal money received for community 52616  
residential services the county board has agreed to contribute to 52617  
the consortium. 52618

**Sec. 5139.43.** (A) The department of youth services shall 52619  
operate a felony delinquent care and custody program that shall be 52620  
operated in accordance with the formula developed pursuant to 52621  
section 5139.41 of the Revised Code, subject to the conditions 52622  
specified in this section. 52623

(B)(1) Each juvenile court shall use the moneys disbursed to 52624  
it by the department of youth services pursuant to division (B) of 52625  
section 5139.41 of the Revised Code in accordance with the 52626  
applicable provisions of division (B)(2) of this section and shall 52627  
transmit the moneys to the county treasurer for deposit in 52628  
accordance with this division. The county treasurer shall create 52629  
in the county treasury a fund that shall be known as the felony 52630  
delinquent care and custody fund and shall deposit in that fund 52631  
the moneys disbursed to the juvenile court pursuant to division 52632  
(B) of section 5139.41 of the Revised Code. The county treasurer 52633  
also shall deposit into that fund the state subsidy funds granted 52634  
to the county pursuant to section 5139.34 of the Revised Code. The 52635  
moneys disbursed to the juvenile court pursuant to division (B) of 52636  
section 5139.41 of the Revised Code and deposited pursuant to this 52637  
division in the felony delinquent care and custody fund shall not 52638  
be commingled with any other county funds except state subsidy 52639  
funds granted to the county pursuant to section 5139.34 of the 52640  
Revised Code; shall not be used for any capital construction 52641  
projects; upon an order of the juvenile court and subject to 52642

appropriation by the board of county commissioners, shall be 52643  
disbursed to the juvenile court for use in accordance with the 52644  
applicable provisions of division (B)(2) of this section; shall 52645  
not revert to the county general fund at the end of any fiscal 52646  
year; and shall carry over in the felony delinquent care and 52647  
custody fund from the end of any fiscal year to the next fiscal 52648  
year. At the end of each fiscal year, beginning June 30, 2008, the 52649  
balance in the felony delinquent care and custody fund in any 52650  
county shall not exceed the total moneys allocated to the county 52651  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 52652  
during the previous fiscal year, unless that county has applied 52653  
for and been granted an exemption by the director of youth 52654  
services. The department shall withhold from future payments to a 52655  
county an amount equal to any moneys in the felony delinquent care 52656  
and custody fund of the county that exceed the total moneys 52657  
allocated pursuant to those sections to the county during the 52658  
preceding fiscal year and shall reallocate the withheld amount. 52659  
The department shall adopt rules for the withholding and 52660  
reallocation of moneys disbursed under sections 5139.34 and 52661  
5139.41 of the Revised Code and for the criteria and process for a 52662  
county to obtain an exemption from the withholding requirement. 52663  
The moneys disbursed to the juvenile court pursuant to division 52664  
(B) of section 5139.41 of the Revised Code and deposited pursuant 52665  
to this division in the felony delinquent care and custody fund 52666  
shall be in addition to, and shall not be used to reduce, any 52667  
usual annual increase in county funding that the juvenile court is 52668  
eligible to receive or the current level of county funding of the 52669  
juvenile court and of any programs or services for delinquent 52670  
children, unruly children, or juvenile traffic offenders. 52671

(2)(a) A county and the juvenile court that serves the county 52672  
shall use the moneys in its felony delinquent care and custody 52673  
fund in accordance with rules that the department of youth 52674  
services adopts pursuant to division (D) of section 5139.04 of the 52675

Revised Code and as follows: 52676

(i) The moneys in the fund that represent state subsidy funds 52677  
granted to the county pursuant to section 5139.34 of the Revised 52678  
Code shall be used to aid in the support of prevention, early 52679  
intervention, diversion, treatment, and rehabilitation programs 52680  
that are provided for alleged or adjudicated unruly children or 52681  
delinquent children or for children who are at risk of becoming 52682  
unruly children or delinquent children. The county shall not use 52683  
for capital improvements more than fifteen per cent of the moneys 52684  
in the fund that represent the applicable annual grant of those 52685  
state subsidy funds. 52686

(ii) The moneys in the fund that were disbursed to the 52687  
juvenile court pursuant to division (B) of section 5139.41 of the 52688  
Revised Code and deposited pursuant to division (B)(1) of this 52689  
section in the fund shall be used to provide programs and services 52690  
for the training, treatment, or rehabilitation of felony 52691  
delinquents that are alternatives to their commitment to the 52692  
department, including, but not limited to, community residential 52693  
programs, day treatment centers, services within the home, and 52694  
electronic monitoring, and shall be used in connection with 52695  
training, treatment, rehabilitation, early intervention, or other 52696  
programs or services for any delinquent child, unruly child, or 52697  
juvenile traffic offender who is under the jurisdiction of the 52698  
juvenile court. 52699

The fund also may be used for prevention, early intervention, 52700  
diversion, treatment, and rehabilitation programs that are 52701  
provided for alleged or adjudicated unruly children, delinquent 52702  
children, or juvenile traffic offenders or for children who are at 52703  
risk of becoming unruly children, delinquent children, or juvenile 52704  
traffic offenders. Consistent with division (B)(1) of this 52705  
section, a county and the juvenile court of a county shall not use 52706  
any of those moneys for capital construction projects. 52707

(iii) The county and the juvenile court that serves the 52708  
county may not use moneys in the fund for the provision of care 52709  
and services for children, including, but not limited to, care and 52710  
services in a detention facility, in another facility, or in 52711  
out-of-home placement, unless the minimum standards that apply to 52712  
the care and services and that the department prescribes in rules 52713  
adopted pursuant to division (D) of section 5139.04 of the Revised 52714  
Code have been satisfied. 52715

(b) Each juvenile court shall comply with division (B)(3)(d) 52716  
of this section as implemented by the department. 52717

(3) In accordance with rules adopted by the department 52718  
pursuant to division (D) of section 5139.04 of the Revised Code, 52719  
each juvenile court and the county served by that juvenile court 52720  
shall do all of the following that apply: 52721

(a) The juvenile court shall prepare an annual grant 52722  
agreement and application for funding that satisfies the 52723  
requirements of this section and section 5139.34 of the Revised 52724  
Code and that pertains to the use, upon an order of the juvenile 52725  
court and subject to appropriation by the board of county 52726  
commissioners, of the moneys in its felony delinquent care and 52727  
custody fund for specified programs, care, and services as 52728  
described in division (B)(2)(a) of this section, shall submit that 52729  
agreement and application to the county family and children first 52730  
council, the regional family and children first council, or the 52731  
local intersystem services to children cluster as described in 52732  
sections 121.37 and 121.38 of the Revised Code, whichever is 52733  
applicable, and shall file that agreement and application with the 52734  
department for its approval. The annual grant agreement and 52735  
application for funding shall include a method of ensuring equal 52736  
access for minority youth to the programs, care, and services 52737  
specified in it. 52738

The department may approve an annual grant agreement and 52739

application for funding only if the juvenile court involved has 52740  
complied with the preparation, submission, and filing requirements 52741  
described in division (B)(3)(a) of this section. If the juvenile 52742  
court complies with those requirements and the department approves 52743  
that agreement and application, the juvenile court and the county 52744  
served by the juvenile court may expend the state subsidy funds 52745  
granted to the county pursuant to section 5139.34 of the Revised 52746  
Code only in accordance with division (B)(2)(a) of this section, 52747  
the rules pertaining to state subsidy funds that the department 52748  
adopts pursuant to division (D) of section 5139.04 of the Revised 52749  
Code, and the approved agreement and application. 52750

(b) By the thirty-first day of August of each year, the 52751  
juvenile court shall file with the department a report that 52752  
contains all of the statistical and other information for each 52753  
month of the prior state fiscal year. If the juvenile court fails 52754  
to file the report required by division (B)(3)(b) of this section 52755  
by the thirty-first day of August of any year, the department 52756  
shall not disburse any payment of state subsidy funds to which the 52757  
county otherwise is entitled pursuant to section 5139.34 of the 52758  
Revised Code and shall not disburse pursuant to division (B) of 52759  
section 5139.41 of the Revised Code the applicable allocation 52760  
until the juvenile court fully complies with division (B)(3)(b) of 52761  
this section. 52762

(c) If the department requires the juvenile court to prepare 52763  
monthly statistical reports and to submit the reports on forms 52764  
provided by the department, the juvenile court shall file those 52765  
reports with the department on the forms so provided. If the 52766  
juvenile court fails to prepare and submit those monthly 52767  
statistical reports within the department's timelines, the 52768  
department shall not disburse any payment of state subsidy funds 52769  
to which the county otherwise is entitled pursuant to section 52770  
5139.34 of the Revised Code and shall not disburse pursuant to 52771

division (B) of section 5139.41 of the Revised Code the applicable 52772  
allocation until the juvenile court fully complies with division 52773  
(B)(3)(c) of this section. If the juvenile court fails to prepare 52774  
and submit those monthly statistical reports within one hundred 52775  
eighty days of the date the department establishes for their 52776  
submission, the department shall not disburse any payment of state 52777  
subsidy funds to which the county otherwise is entitled pursuant 52778  
to section 5139.34 of the Revised Code and shall not disburse 52779  
pursuant to division (B) of section 5139.41 of the Revised Code 52780  
the applicable allocation, and the state subsidy funds and the 52781  
remainder of the applicable allocation shall revert to the 52782  
department. If a juvenile court states in a monthly statistical 52783  
report that the juvenile court adjudicated within a state fiscal 52784  
year five hundred or more children to be delinquent children for 52785  
committing acts that would be felonies if committed by adults and 52786  
if the department determines that the data in the report may be 52787  
inaccurate, the juvenile court shall have an independent auditor 52788  
or other qualified entity certify the accuracy of the data on a 52789  
date determined by the department. 52790

(d) If the department requires the juvenile court and the 52791  
county to participate in a fiscal monitoring program or another 52792  
monitoring program that is conducted by the department to ensure 52793  
compliance by the juvenile court and the county with division (B) 52794  
of this section, the juvenile court and the county shall 52795  
participate in the program and fully comply with any guidelines 52796  
for the performance of audits adopted by the department pursuant 52797  
to that program and all requests made by the department pursuant 52798  
to that program for information necessary to reconcile fiscal 52799  
accounting. If an audit that is performed pursuant to a fiscal 52800  
monitoring program or another monitoring program described in this 52801  
division determines that the juvenile court or the county used 52802  
moneys in the county's felony delinquent care and custody fund for 52803  
expenses that are not authorized under division (B) of this 52804



section, within forty-five days after the department notifies the 52805  
county of the unauthorized expenditures, the county either shall 52806  
repay the amount of the unauthorized expenditures from the county 52807  
general revenue fund to the state's general revenue fund or shall 52808  
file a written appeal with the department. If an appeal is timely 52809  
filed, the director of the department shall render a decision on 52810  
the appeal and shall notify the appellant county or its juvenile 52811  
court of that decision within forty-five days after the date that 52812  
the appeal is filed. If the director denies an appeal, the 52813  
county's fiscal agent shall repay the amount of the unauthorized 52814  
expenditures from the county general revenue fund to the state's 52815  
general revenue fund within thirty days after receiving the 52816  
director's notification of the appeal decision. If the county 52817  
fails to make the repayment within that thirty-day period and if 52818  
the unauthorized expenditures pertain to moneys allocated under 52819  
sections 5139.41 to 5139.43 of the Revised Code, the department 52820  
shall deduct the amount of the unauthorized expenditures from the 52821  
next allocation of those moneys to the county in accordance with 52822  
this section or from the allocations that otherwise would be made 52823  
under those sections to the county during the next state fiscal 52824  
year in accordance with this section and shall return that 52825  
deducted amount to the state's general revenue fund. If the county 52826  
fails to make the repayment within that thirty-day period and if 52827  
the unauthorized expenditures pertain to moneys granted pursuant 52828  
to section 5139.34 of the Revised Code, the department shall 52829  
deduct the amount of the unauthorized expenditures from the next 52830  
annual grant to the county pursuant to that section and shall 52831  
return that deducted amount to the state's general revenue fund. 52832

(C) The determination of which county a reduction of the care 52833  
and custody allocation will be charged against for a particular 52834  
youth shall be made as outlined below for all youths who do not 52835  
qualify as public safety beds. The determination of which county a 52836  
reduction of the care and custody allocation will be charged 52837

against shall be made as follows until each youth is released: 52838

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(1) In the event of a commitment, the reduction shall be 52840

charged against the committing county. 52841

(2) In the event of a recommitment, the reduction shall be 52842

charged against the original committing county until the 52843

expiration of the minimum period of institutionalization under the 52844

original order of commitment or until the date on which the youth 52845

is admitted to the department of youth services pursuant to the 52846

order of recommitment, whichever is later. Reductions of the 52847

allocation shall be charged against the county that recommitted 52848

the youth after the minimum expiration date of the original 52849

commitment. 52850

(3) In the event of a revocation of a release on parole, the 52851

reduction shall be charged against the county that revokes the 52852

youth's parole. 52853

(D) A juvenile court is not precluded by its allocation 52854

amount for the care and custody of felony delinquents from 52855

committing a felony delinquent to the department of youth services 52856

for care and custody in an institution or a community corrections 52857

facility when the juvenile court determines that the commitment is 52858

appropriate. 52859

Sec. 5302.221. (A) As used in this section: 52860

"Estate" has the same meaning as in section 5111.11 of the 52861

Revised Code. 52862

"Medicaid estate recovery program" means the program 52863

instituted under section 5111.11 of the Revised Code. 52864

(B) The administrator of the medicaid estate recovery program 52865

shall prescribe a form on which a beneficiary of a transfer on 52866

death deed as provided in section 5302.22 of the Revised Code, who 52867

survives the deceased owner of the real property or an interest in 52868  
the real property or that is in existence on the date of death of 52869  
the deceased owner, or such a beneficiary's representative is to 52870  
indicate both of the following: 52871

(1) Whether the deceased owner was either of the following: 52872

(a) A decedent subject to the medicaid estate recovery 52873  
program; 52874

(b) The spouse of a decedent subject to the medicaid estate 52875  
recovery program. 52876

(2) Whether the real property or interest in the real 52877  
property was part of the estate of a decedent subject to the 52878  
medicaid estate recovery program. 52879

(C) A county recorder shall obtain a properly completed form 52880  
prescribed under division (B) of this section from the beneficiary 52881  
of a transfer on death deed or the beneficiary's representative 52882  
and send a copy of the form to the administrator of the medicaid 52883  
estate recovery program before recording the transfer of the real 52884  
property or interest in the real property under division (C) of 52885  
section 5302.22 of the Revised Code. 52886

**Sec. 5309.082.** (A) As used in this section: 52887

"Estate" has the same meaning as in section 5111.11 of the 52888  
Revised Code. 52889

"Medicaid estate recovery program" means the program 52890  
instituted under section 5111.11 of the Revised Code. 52891

(B) The administrator of the medicaid estate recovery program 52892  
shall prescribe a form on which a surviving tenant under a 52893  
survivorship tenancy or such a surviving tenant's representative 52894  
is to indicate both of the following: 52895

(1) Whether the deceased survivorship tenant was either of 52896

<u>the following:</u>	52897
<u>(a) A decedent subject to the medicaid estate recovery program;</u>	52898
<u>(b) The spouse of a decedent subject to the medicaid estate recovery program.</u>	52900
<u>(2) Whether the registered land under a survivorship tenancy was part of the estate of a decedent subject to the medicaid estate recovery program.</u>	52901
<u>(C) A county recorder shall obtain a properly completed form prescribed under division (B) of this section from the surviving tenant under a survivorship tenancy or the surviving tenant's representative and send a copy of the form to the administrator of the medicaid estate recovery program before registering the title in the surviving tenants under section 5309.081 of the Revised Code.</u>	52902
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<b>Sec. 5323.01.</b> As used in this chapter:	52912
(A) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.	52913
	52914
(B) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	52915
	52916
(C) "Mobile home" and "recreational vehicle" have the same meanings as in section 4501.01 of the Revised Code.	52917
	52918
(D) "Political subdivision" means a county, <u>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.</u>	52919
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(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;
  - (e) An associate, in the case of an association;
  - (f) An officer, in the case of a corporation;
  - (g) A member, manager, or officer, in the case of any other business entity.

(3) The street address and permanent parcel number of the residential rental property+ 52955  
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~~(4) If the residential rental property has dwelling units that are leased or otherwise rented to tenants, the year the units were built.~~ 52957  
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(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~~ on the tax list or the real property record. 52960  
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(C) An owner of residential rental property shall update the information required under division (A) of this section within ~~ten~~ sixty days after any change in the information occurs. 52963  
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(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 notice pursuant to division (B) of section 323.131 of the Revised Code 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. 52966  
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(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. 52973  
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**Sec. 5323.99.** No owner of residential rental property shall fail to comply with the filing or updating of information requirements of section 5323.02 of the Revised Code or shall fail to satisfy the designation of agent requirement or the filing of the appropriate designation of agent document requirement of section 5323.03 of the Revised Code. ~~Whoever violates this section is guilty of a minor misdemeanor~~ The county auditor may impose 52978  
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upon any person who violates this section a special assessment on 52985  
the residential rental property that is the subject of the 52986  
violation in the amount of one hundred fifty dollars. Such special 52987  
assessment may be appealed to the county board of revision. 52988

**Sec. 5528.54.** (A) The commissioners of the sinking fund are 52989  
authorized to issue and sell, as provided in this section and in 52990  
amounts from time to time authorized by the general assembly, 52991  
general obligations of this state for the purpose of financing or 52992  
assisting in the financing of the costs of projects. The full 52993  
faith and credit, revenues, and taxing power of the state are and 52994  
shall be pledged to the timely payment of bond service charges on 52995  
outstanding obligations, all in accordance with Section 2m of 52996  
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 52997  
of the Revised Code, and so long as such obligations are 52998  
outstanding there shall be levied and collected excises, taxes, 52999  
and other revenues in amounts sufficient to pay the bond service 53000  
charges on such obligations and costs relating to credit 53001  
enhancement facilities. 53002

(B) Not more than two hundred twenty million dollars 53003  
principal amount of obligations, plus the principal amount of 53004  
obligations that in any prior fiscal years could have been, but 53005  
were not issued within that two-hundred-twenty-million-dollar 53006  
fiscal year limit, may be issued in any fiscal year, and not more 53007  
~~that~~ than one billion two hundred million dollars principal amount 53008  
of obligations may be outstanding at any one time, all determined 53009  
as provided in sections 5528.51 to 5528.53 of the Revised Code. 53010

(C) The state may participate in financing projects by 53011  
grants, loans, or contributions to local government entities. 53012

(D) Each issue of obligations shall be authorized by 53013  
resolution of the commissioners. The bond proceedings shall 53014  
provide for the principal amount or maximum principal amount of 53015

obligations of an issue, and shall provide for or authorize the 53016  
manner for determining the principal maturity or maturities, not 53017  
exceeding the earlier of thirty years from the date of issuance of 53018  
the particular obligations or thirty years from the date the debt 53019  
represented by the particular obligations was originally 53020  
contracted, the interest rate or rates, the date of and the dates 53021  
of payment of interest on the obligations, their denominations, 53022  
and the establishment within or outside the state of a place or 53023  
places of payment of bond service charges. Sections 9.96, 9.98, 53024  
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 53025  
obligations. The purpose of the obligations may be stated in the 53026  
bond proceedings as "financing or assisting in the financing of 53027  
highway capital improvement projects as provided in Section 2m of 53028  
Article VIII, Ohio Constitution." 53029

(E) The proceeds of the obligations, except for any portion 53030  
to be deposited into special funds, or into escrow funds for the 53031  
purpose of refunding outstanding obligations, all as may be 53032  
provided in the bond proceedings, shall be deposited into the 53033  
highway capital improvement fund established by section 5528.53 of 53034  
the Revised Code. 53035

(F) The commissioners may appoint or provide for the 53036  
appointment of paying agents, bond registrars, securities 53037  
depositories, and transfer agents, and may retain the services of 53038  
financial advisers and accounting experts, and retain or contract 53039  
for the services of marketing, remarketing, indexing, and 53040  
administrative agents, other consultants, and independent 53041  
contractors, including printing services, as are necessary in the 53042  
judgment of the commissioners to carry out sections 5528.51 to 53043  
5528.53 of the Revised Code. Financing costs are payable, as 53044  
provided in the bond proceedings, from the proceeds of the 53045  
obligations, from special funds, or from other moneys available 53046  
for the purpose. 53047



(G) The bond proceedings, including any trust agreement, may 53048  
contain additional provisions customary or appropriate to the 53049  
financing or to the obligations or to particular obligations 53050  
including, but not limited to: 53051

(1) The redemption of obligations prior to maturity at the 53052  
option of the state or of the holder or upon the occurrence of 53053  
certain conditions at such price or prices and under such terms 53054  
and conditions as are provided in the bond proceedings; 53055

(2) The form of and other terms of the obligations; 53056

(3) The establishment, deposit, investment, and application 53057  
of special funds, and the safeguarding of moneys on hand or on 53058  
deposit, in lieu of otherwise applicable provisions of Chapter 53059  
131. or 135. of the Revised Code, but subject to any special 53060  
provisions of this section with respect to particular funds or 53061  
moneys, and provided that any bank or trust company that acts as a 53062  
depository of any moneys in special funds may furnish such 53063  
indemnifying bonds or may pledge such securities as required by 53064  
the commissioners; 53065

(4) Any or every provision of the bond proceedings binding 53066  
upon the commissioners and such state agency or local government 53067  
entities, officer, board, commission, authority, agency, 53068  
department, or other person or body as may from time to time have 53069  
the authority under law to take such actions as may be necessary 53070  
to perform all or any part of the duty required by such provision; 53071

(5) The maintenance of each pledge, any trust agreement, or 53072  
other instrument composing part of the bond proceedings until the 53073  
state has fully paid or provided for the payment of the bond 53074  
service charges on the obligations or met other stated conditions; 53075

(6) In the event of default in any payments required to be 53076  
made by the bond proceedings, or any other agreement of the 53077  
commissioners made as part of a contract under which the 53078

obligations were issued or secured, the enforcement of such 53079  
payments or agreements by mandamus, suit in equity, action at law, 53080  
or any combination of the foregoing; 53081

(7) The rights and remedies of the holders of obligations and 53082  
of the trustee under any trust agreement, and provisions for 53083  
protecting and enforcing them, including limitations on rights of 53084  
individual holders of obligations; 53085

(8) The replacement of any obligations that become mutilated 53086  
or are destroyed, lost, or stolen; 53087

(9) Provision for the funding, refunding, or advance 53088  
refunding or other provision for payment of obligations that will 53089  
then no longer be outstanding for purposes of sections 5528.51 to 53090  
5528.56 of the Revised Code or of the bond proceedings; 53091

(10) Any provision that may be made in bond proceedings or a 53092  
trust agreement, including provision for amendment of the bond 53093  
proceedings; 53094

(11) Any other or additional agreements with the holders of 53095  
the obligations relating to any of the foregoing; 53096

(12) Such other provisions as the commissioners determine, 53097  
including limitations, conditions, or qualifications relating to 53098  
any of the foregoing. 53099

(H) The great seal of the state or a facsimile of that seal 53100  
may be affixed to or printed on the obligations. The obligations 53101  
requiring signatures by the commissioners shall be signed by or 53102  
bear the facsimile signatures of two or more of the commissioners 53103  
as provided in the bond proceedings. Any obligations may be signed 53104  
by the person who, on the date of execution, is the authorized 53105  
signer although on the date of such obligations such person was 53106  
not a commissioner. In case the individual whose signature or a 53107  
facsimile of whose signature appears on any obligation ceases to 53108  
be a commissioner before delivery of the obligation, such 53109

signature or facsimile is nevertheless valid and sufficient for 53110  
all purposes as if that individual had remained the member until 53111  
such delivery, and in case the seal to be affixed to or printed on 53112  
obligations has been changed after the seal has been affixed to or 53113  
a facsimile of the seal has been printed on the obligations, that 53114  
seal or facsimile seal shall continue to be sufficient as to those 53115  
obligations and obligations issued in substitution or exchange 53116  
therefor. 53117

(I) The obligations are negotiable instruments and securities 53118  
under Chapter 1308. of the Revised Code, subject to the provisions 53119  
of the bond proceedings as to registration. Obligations may be 53120  
issued in coupon or in fully registered form, or both, as the 53121  
commissioners determine. Provision may be made for the 53122  
registration of any obligations with coupons attached as to 53123  
principal alone or as to both principal and interest, their 53124  
exchange for obligations so registered, and for the conversion or 53125  
reconversion into obligations with coupons attached of any 53126  
obligations registered as to both principal and interest, and for 53127  
reasonable charges for such registration, exchange, conversion, 53128  
and reconversion. Pending preparation of definitive obligations, 53129  
the commissioners may issue interim receipts or certificates which 53130  
shall be exchanged for such definitive obligations. 53131

(J) Obligations may be sold at public sale or at private 53132  
sale, and at such price at, above, or below par, as determined by 53133  
the commissioners in the bond proceedings. 53134

(K) In the discretion of the commissioners, obligations may 53135  
be secured additionally by a trust agreement between the state and 53136  
a corporate trustee which may be any trust company or bank having 53137  
~~its principal~~ a place of business within the state. Any trust 53138  
agreement may contain the resolution authorizing the issuance of 53139  
the obligations, any provisions that may be contained in the bond 53140  
proceedings, and other provisions that are customary or 53141

appropriate in an agreement of the type. 53142

(L) Except to the extent that their rights are restricted by 53143  
the bond proceedings, any holder of obligations, or a trustee 53144  
under the bond proceedings may by any suitable form of legal 53145  
proceedings protect and enforce any rights under the laws of this 53146  
state or granted by the bond proceedings. Such rights include the 53147  
right to compel the performance of all duties of the commissioners 53148  
and the state. Each duty of the commissioners and its employees, 53149  
and of each state agency and local government entity and its 53150  
officers, members, or employees, undertaken pursuant to the bond 53151  
proceedings, is hereby established as a duty of the commissioners, 53152  
and of each such agency, local government entity, officer, member, 53153  
or employee having authority to perform such duty, specifically 53154  
enjoined by the law and resulting from an office, trust, or 53155  
station within the meaning of section 2731.01 of the Revised Code. 53156  
The persons who are at the time the commissioners of the sinking 53157  
fund, or its employees, are not liable in their personal 53158  
capacities on any obligations or any agreements of or with the 53159  
commissioners relating to obligations or under the bond 53160  
proceedings. 53161

(M) Obligations are lawful investments for banks, societies 53162  
for savings, savings and loan associations, deposit guarantee 53163  
associations, trust companies, trustees, fiduciaries, insurance 53164  
companies, including domestic for life and domestic not for life, 53165  
trustees or other officers having charge of sinking and bond 53166  
retirement or other special funds of political subdivisions and 53167  
taxing districts of this state, the commissioners of the sinking 53168  
fund, the administrator of workers' compensation, subject to the 53169  
approval of the workers' compensation board and the industrial 53170  
commission, the state teachers retirement system, the public 53171  
employees retirement system, the school employees retirement 53172  
system, and the Ohio police and fire pension fund, notwithstanding 53173

any other provisions of the Revised Code or rules adopted pursuant 53174  
thereto by any state agency with respect to investments by them, 53175  
and are also acceptable as security for the deposit of public 53176  
moneys. 53177

(N) Unless otherwise provided in any applicable bond 53178  
proceedings, moneys to the credit of or in the special funds 53179  
established by or pursuant to this section may be invested by or 53180  
on behalf of the commissioners only in notes, bonds, or other 53181  
direct obligations of the United States or of any agency or 53182  
instrumentality thereof, in obligations of this state or any 53183  
political subdivision of this state, in certificates of deposit of 53184  
any national bank located in this state and any bank, as defined 53185  
in section 1101.01 of the Revised Code, subject to inspection by 53186  
the superintendent of financial institutions, in the Ohio 53187  
subdivision's fund established pursuant to section 135.45 of the 53188  
Revised Code, in no-front-end-load money market mutual funds 53189  
consisting exclusively of direct obligations of the United States 53190  
or of an agency or instrumentality thereof, and in repurchase 53191  
agreements, including those issued by any fiduciary, secured by 53192  
direct obligations of the United States or an agency or 53193  
instrumentality thereof, and in common trust funds established in 53194  
accordance with section 1109.20 of the Revised Code and consisting 53195  
exclusively of direct obligations of the United States or of an 53196  
agency or instrumentality thereof, notwithstanding division (A)(4) 53197  
of that section. The income from investments shall be credited to 53198  
such special funds or otherwise as the commissioners determine in 53199  
the bond proceedings, and the investments may be sold or exchanged 53200  
at such times as the commissioners determine or authorize. 53201

(O) Unless otherwise provided in any applicable bond 53202  
proceedings, moneys to the credit of or in a special fund shall be 53203  
disbursed on the order of the commissioners, provided that no such 53204  
order is required for the payment from the bond service fund or 53205

other special fund when due of bond service charges or required 53206  
payments under credit enhancement facilities. 53207

(P) The commissioners may covenant in the bond proceedings, 53208  
and any such covenants shall be controlling notwithstanding any 53209  
other provision of law, that the state and the applicable officers 53210  
and agencies of the state, including the general assembly, shall, 53211  
so long as any obligations are outstanding in accordance with 53212  
their terms, maintain statutory authority for and cause to be 53213  
charged and collected taxes, excises, and other receipts of the 53214  
state so that the receipts to the bond service fund shall be 53215  
sufficient in amounts to meet bond service charges and for the 53216  
establishment and maintenance of any reserves and other 53217  
requirements, including payment of financing costs, provided for 53218  
in the bond proceedings. 53219

(Q) The obligations, and the transfer of, and the interest, 53220  
interest equivalent, and other income and accreted amounts from, 53221  
including any profit made on the sale, exchange, or other 53222  
disposition of, the obligations shall at all times be free from 53223  
taxation, direct or indirect, within the state. 53224

(R) This section applies only with respect to obligations 53225  
issued and delivered prior to September 30, 2000. 53226

**Sec. 5531.10.** (A) As used in this chapter: 53227

(1) "Bond proceedings" means the resolution, order, trust 53228  
agreement, indenture, lease, lease-purchase agreements, and other 53229  
agreements, amendments and supplements to the foregoing, or any 53230  
one or more or combination thereof, authorizing or providing for 53231  
the terms and conditions applicable to, or providing for the 53232  
security or liquidity of, obligations issued pursuant to this 53233  
section, and the provisions contained in such obligations. 53234

(2) "Bond service charges" means principal, including 53235

mandatory sinking fund requirements for retirement of obligations, 53236  
and interest, and redemption premium, if any, required to be paid 53237  
by the state on obligations. 53238

(3) "Bond service fund" means the applicable fund and 53239  
accounts therein created for and pledged to the payment of bond 53240  
service charges, which may be, or may be part of, the state 53241  
infrastructure bank revenue bond service fund created by division 53242  
(R) of this section including all moneys and investments, and 53243  
earnings from investments, credited and to be credited thereto. 53244

(4) "Issuing authority" means the treasurer of state, or the 53245  
officer who by law performs the functions of the treasurer of 53246  
state. 53247

(5) "Obligations" means bonds, notes, or other evidence of 53248  
obligation including interest coupons pertaining thereto, issued 53249  
pursuant to this section. 53250

(6) "Pledged receipts" means moneys accruing to the state 53251  
from the lease, lease-purchase, sale, or other disposition, or 53252  
use, of qualified projects, and from the repayment, including 53253  
interest, of loans made from proceeds received from the sale of 53254  
obligations; accrued interest received from the sale of 53255  
obligations; income from the investment of the special funds; any 53256  
gifts, grants, donations, and pledges, and receipts therefrom, 53257  
available for the payment of bond service charges; and any amounts 53258  
in the state infrastructure bank pledged to the payment of such 53259  
charges. If the amounts in the state infrastructure bank are 53260  
insufficient for the payment of such charges, "pledged receipts" 53261  
also means moneys that are apportioned by the United States 53262  
secretary of transportation under United States Code, Title XXIII, 53263  
as amended, or any successor legislation, or under any other 53264  
federal law relating to aid for highways, and that are to be 53265  
received as a grant by the state, to the extent the state is not 53266  
prohibited by state or federal law from using such moneys and the 53267

moneys are pledged to the payment of such bond service charges. 53268

(7) "Special funds" or "funds" means, except where the 53269  
context does not permit, the bond service fund, and any other 53270  
funds, including reserve funds, created under the bond 53271  
proceedings, and the state infrastructure bank revenue bond 53272  
service fund created by division (R) of this section to the extent 53273  
provided in the bond proceedings, including all moneys and 53274  
investments, and earnings from investment, credited and to be 53275  
credited thereto. 53276

(8) "State infrastructure project" means any public 53277  
transportation project undertaken by the state, including, but not 53278  
limited to, all components of any such project, as described in 53279  
division (D) of section 5531.09 of the Revised Code. 53280

(9) "District obligations" means bonds, notes, or other 53281  
evidence of obligation including interest coupons pertaining 53282  
thereto, issued to finance a qualified project by a transportation 53283  
improvement district created pursuant to section 5540.02 of the 53284  
Revised Code, of which the principal, including mandatory sinking 53285  
fund requirements for retirement of such obligations, and interest 53286  
and redemption premium, if any, are payable by the department of 53287  
transportation. 53288

(B) The issuing authority, after giving written notice to the 53289  
director of budget and management and upon the certification by 53290  
the director of transportation to the issuing authority of the 53291  
amount of moneys or additional moneys needed either for state 53292  
infrastructure projects or to provide financial assistance for any 53293  
of the purposes for which the state infrastructure bank may be 53294  
used under section 5531.09 of the Revised Code, or needed for 53295  
capitalized interest, funding reserves, and paying costs and 53296  
expenses incurred in connection with the issuance, carrying, 53297  
securing, paying, redeeming, or retirement of the obligations or 53298  
any obligations refunded thereby, including payment of costs and 53299



expenses relating to letters of credit, lines of credit, 53300  
insurance, put agreements, standby purchase agreements, indexing, 53301  
marketing, remarketing and administrative arrangements, interest 53302  
swap or hedging agreements, and any other credit enhancement, 53303  
liquidity, remarketing, renewal, or refunding arrangements, all of 53304  
which are authorized by this section, shall issue obligations of 53305  
the state under this section in the required amount. The proceeds 53306  
of such obligations, except for the portion to be deposited in 53307  
special funds, including reserve funds, as may be provided in the 53308  
bond proceedings, shall as provided in the bond proceedings be 53309  
credited to the infrastructure bank obligations fund of the state 53310  
infrastructure bank created by section 5531.09 of the Revised Code 53311  
and disbursed as provided in the bond proceedings for such 53312  
obligations. The issuing authority may appoint trustees, paying 53313  
agents, transfer agents, and authenticating agents, and may retain 53314  
the services of financial advisors, accounting experts, and 53315  
attorneys, and retain or contract for the services of marketing, 53316  
remarketing, indexing, and administrative agents, other 53317  
consultants, and independent contractors, including printing 53318  
services, as are necessary in the issuing authority's judgment to 53319  
carry out this section. The costs of such services are payable 53320  
from funds of the state infrastructure bank. 53321

(C) The holders or owners of such obligations shall have no 53322  
right to have moneys raised by taxation by the state of Ohio 53323  
obligated or pledged, and moneys so raised shall not be obligated 53324  
or pledged, for the payment of bond service charges. The right of 53325  
such holders and owners to the payment of bond service charges is 53326  
limited to all or that portion of the pledged receipts and those 53327  
special funds pledged thereto pursuant to the bond proceedings for 53328  
such obligations in accordance with this section, and each such 53329  
obligation shall bear on its face a statement to that effect. 53330  
Moneys received as repayment of loans made by the state 53331  
infrastructure bank pursuant to section 5531.09 of the Revised 53332

Code shall not be considered moneys raised by taxation by the 53333  
state of Ohio regardless of the source of the moneys. 53334

(D) Obligations shall be authorized by order of the issuing 53335  
authority and the bond proceedings shall provide for the purpose 53336  
thereof and the principal amount or amounts, and shall provide for 53337  
or authorize the manner or agency for determining the principal 53338  
maturity or maturities, not exceeding twenty-five years from the 53339  
date of issuance, the interest rate or rates or the maximum 53340  
interest rate, the date of the obligations and the dates of 53341  
payment of interest thereon, their denomination, and the 53342  
establishment within or without the state of a place or places of 53343  
payment of bond service charges. Sections 9.98 to 9.983 of the 53344  
Revised Code are applicable to obligations issued under this 53345  
section. The purpose of such obligations may be stated in the bond 53346  
proceedings in terms describing the general purpose or purposes to 53347  
be served. The bond proceedings also shall provide, subject to the 53348  
provisions of any other applicable bond proceedings, for the 53349  
pledge of all, or such part as the issuing authority may 53350  
determine, of the pledged receipts and the applicable special fund 53351  
or funds to the payment of bond service charges, which pledges may 53352  
be made either prior or subordinate to other expenses, claims, or 53353  
payments, and may be made to secure the obligations on a parity 53354  
with obligations theretofore or thereafter issued, if and to the 53355  
extent provided in the bond proceedings. The pledged receipts and 53356  
special funds so pledged and thereafter received by the state 53357  
immediately are subject to the lien of such pledge without any 53358  
physical delivery thereof or further act, and the lien of any such 53359  
pledges is valid and binding against all parties having claims of 53360  
any kind against the state or any governmental agency of the 53361  
state, irrespective of whether such parties have notice thereof, 53362  
and shall create a perfected security interest for all purposes of 53363  
Chapter 1309. of the Revised Code, without the necessity for 53364  
separation or delivery of funds or for the filing or recording of 53365

the bond proceedings by which such pledge is created or any 53366  
certificate, statement, or other document with respect thereto; 53367  
and the pledge of such pledged receipts and special funds is 53368  
effective and the money therefrom and thereof may be applied to 53369  
the purposes for which pledged without necessity for any act of 53370  
appropriation. Every pledge, and every covenant and agreement made 53371  
with respect thereto, made in the bond proceedings may therein be 53372  
extended to the benefit of the owners and holders of obligations 53373  
authorized by this section, and to any trustee therefor, for the 53374  
further security of the payment of the bond service charges. 53375

53376

(E) The bond proceedings may contain additional provisions as 53377  
to: 53378

(1) The redemption of obligations prior to maturity at the 53379  
option of the issuing authority at such price or prices and under 53380  
such terms and conditions as are provided in the bond proceedings; 53381

(2) Other terms of the obligations; 53382

(3) Limitations on the issuance of additional obligations; 53383

(4) The terms of any trust agreement or indenture securing 53384  
the obligations or under which the same may be issued; 53385

(5) The deposit, investment, and application of special 53386  
funds, and the safeguarding of moneys on hand or on deposit, 53387  
without regard to Chapter 131. or 135. of the Revised Code, but 53388  
subject to any special provisions of this section with respect to 53389  
particular funds or moneys, provided that any bank or trust 53390  
company which acts as depository of any moneys in the special 53391  
funds may furnish such indemnifying bonds or may pledge such 53392  
securities as required by the issuing authority; 53393

(6) Any or every provision of the bond proceedings being 53394  
binding upon such officer, board, commission, authority, agency, 53395  
department, or other person or body as may from time to time have 53396

the authority under law to take such actions as may be necessary 53397  
to perform all or any part of the duty required by such provision; 53398

(7) Any provision that may be made in a trust agreement or 53399  
indenture; 53400

(8) Any other or additional agreements with the holders of 53401  
the obligations, or the trustee therefor, relating to the 53402  
obligations or the security therefor, including the assignment of 53403  
mortgages or other security relating to financial assistance for 53404  
qualified projects under section 5531.09 of the Revised Code. 53405

(F) The obligations may have the great seal of the state or a 53406  
facsimile thereof affixed thereto or printed thereon. The 53407  
obligations and any coupons pertaining to obligations shall be 53408  
signed or bear the facsimile signature of the issuing authority. 53409  
Any obligations or coupons may be executed by the person who, on 53410  
the date of execution, is the proper issuing authority although on 53411  
the date of such bonds or coupons such person was not the issuing 53412  
authority. In case the issuing authority whose signature or a 53413  
facsimile of whose signature appears on any such obligation or 53414  
coupon ceases to be the issuing authority before delivery thereof, 53415  
such signature or facsimile nevertheless is valid and sufficient 53416  
for all purposes as if the former issuing authority had remained 53417  
the issuing authority until such delivery; and in case the seal to 53418  
be affixed to obligations has been changed after a facsimile of 53419  
the seal has been imprinted on such obligations, such facsimile 53420  
seal shall continue to be sufficient as to such obligations and 53421  
obligations issued in substitution or exchange therefor. 53422

(G) All obligations are negotiable instruments and securities 53423  
under Chapter 1308. of the Revised Code, subject to the provisions 53424  
of the bond proceedings as to registration. The obligations may be 53425  
issued in coupon or in registered form, or both, as the issuing 53426  
authority determines. Provision may be made for the registration 53427  
of any obligations with coupons attached thereto as to principal 53428

alone or as to both principal and interest, their exchange for 53429  
obligations so registered, and for the conversion or reconversion 53430  
into obligations with coupons attached thereto of any obligations 53431  
registered as to both principal and interest, and for reasonable 53432  
charges for such registration, exchange, conversion, and 53433  
reconversion. 53434

(H) Obligations may be sold at public sale or at private 53435  
sale, as determined in the bond proceedings. 53436

(I) Pending preparation of definitive obligations, the 53437  
issuing authority may issue interim receipts or certificates which 53438  
shall be exchanged for such definitive obligations. 53439

(J) In the discretion of the issuing authority, obligations 53440  
may be secured additionally by a trust agreement or indenture 53441  
between the issuing authority and a corporate trustee which may be 53442  
any trust company or bank having ~~its principal~~ a place of business 53443  
within the state. Any such agreement or indenture may contain the 53444  
order authorizing the issuance of the obligations, any provisions 53445  
that may be contained in any bond proceedings, and other 53446  
provisions which are customary or appropriate in an agreement or 53447  
indenture of such type, including, but not limited to: 53448

(1) Maintenance of each pledge, trust agreement, indenture, 53449  
or other instrument comprising part of the bond proceedings until 53450  
the state has fully paid the bond service charges on the 53451  
obligations secured thereby, or provision therefor has been made; 53452

(2) In the event of default in any payments required to be 53453  
made by the bond proceedings, or any other agreement of the 53454  
issuing authority made as a part of the contract under which the 53455  
obligations were issued, enforcement of such payments or agreement 53456  
by mandamus, the appointment of a receiver, suit in equity, action 53457  
at law, or any combination of the foregoing; 53458

(3) The rights and remedies of the holders of obligations and 53459

of the trustee, and provisions for protecting and enforcing them, 53460  
including limitations on the rights of individual holders of 53461  
obligations; 53462

(4) The replacement of any obligations that become mutilated 53463  
or are destroyed, lost, or stolen; 53464

(5) Such other provisions as the trustee and the issuing 53465  
authority agree upon, including limitations, conditions, or 53466  
qualifications relating to any of the foregoing. 53467

(K) Any holder of obligations or a trustee under the bond 53468  
proceedings, except to the extent that the holder's or trustee's 53469  
rights are restricted by the bond proceedings, may by any suitable 53470  
form of legal proceedings, protect and enforce any rights under 53471  
the laws of this state or granted by such bond proceedings. Such 53472  
rights include the right to compel the performance of all duties 53473  
of the issuing authority and the director of transportation 53474  
required by the bond proceedings or sections 5531.09 and 5531.10 53475  
of the Revised Code; to enjoin unlawful activities; and in the 53476  
event of default with respect to the payment of any bond service 53477  
charges on any obligations or in the performance of any covenant 53478  
or agreement on the part of the issuing authority or the director 53479  
of transportation in the bond proceedings, to apply to a court 53480  
having jurisdiction of the cause to appoint a receiver to receive 53481  
and administer the pledged receipts and special funds, other than 53482  
those in the custody of the treasurer of state, which are pledged 53483  
to the payment of the bond service charges on such obligations or 53484  
which are the subject of the covenant or agreement, with full 53485  
power to pay, and to provide for payment of bond service charges 53486  
on, such obligations, and with such powers, subject to the 53487  
direction of the court, as are accorded receivers in general 53488  
equity cases, excluding any power to pledge additional revenues or 53489  
receipts or other income or moneys of the state or local 53490  
governmental entities, or agencies thereof, to the payment of such 53491

principal and interest and excluding the power to take possession 53492  
of, mortgage, or cause the sale or otherwise dispose of any 53493  
project facilities. 53494

Each duty of the issuing authority and the issuing 53495  
authority's officers and employees, and of each state or local 53496  
governmental agency and its officers, members, or employees, 53497  
undertaken pursuant to the bond proceedings or any loan, loan 53498  
guarantee, lease, lease-purchase agreement, or other agreement 53499  
made under authority of section 5531.09 of the Revised Code, and 53500  
in every agreement by or with the issuing authority, is hereby 53501  
established as a duty of the issuing authority, and of each such 53502  
officer, member, or employee having authority to perform such 53503  
duty, specifically enjoined by the law resulting from an office, 53504  
trust, or station within the meaning of section 2731.01 of the 53505  
Revised Code. 53506

The person who is at the time the issuing authority, or the 53507  
issuing authority's officers or employees, are not liable in their 53508  
personal capacities on any obligations issued by the issuing 53509  
authority or any agreements of or with the issuing authority. 53510

(L) The issuing authority may authorize and issue obligations 53511  
for the refunding, including funding and retirement, and advance 53512  
refunding with or without payment or redemption prior to maturity, 53513  
of any obligations previously issued by the issuing authority or 53514  
district obligations. Such refunding obligations may be issued in 53515  
amounts sufficient for payment of the principal amount of the 53516  
prior obligations or district obligations, any redemption premiums 53517  
thereon, principal maturities of any such obligations or district 53518  
obligations maturing prior to the redemption of the remaining 53519  
obligations or district obligations on a parity therewith, 53520  
interest accrued or to accrue to the maturity dates or dates of 53521  
redemption of such obligations or district obligations, and any 53522  
expenses incurred or to be incurred in connection with such 53523

issuance and such refunding, funding, and retirement. Subject to 53524  
the bond proceedings therefor, the portion of proceeds of the sale 53525  
of refunding obligations issued under this division to be applied 53526  
to bond service charges on the prior obligations or district 53527  
obligations shall be credited to an appropriate account held by 53528  
the trustee for such prior or new obligations or to the 53529  
appropriate account in the bond service fund for such obligations 53530  
or district obligations. Obligations authorized under this 53531  
division shall be deemed to be issued for those purposes for which 53532  
such prior obligations or district obligations were issued and are 53533  
subject to the provisions of this section pertaining to other 53534  
obligations, except as otherwise provided in this section. The 53535  
last maturity of obligations authorized under this division shall 53536  
not be later than twenty-five years from the date of issuance of 53537  
the original securities issued for the original purpose. 53538

(M) The authority to issue obligations under this section 53539  
includes authority to issue obligations in the form of bond 53540  
anticipation notes and to renew the same from time to time by the 53541  
issuance of new notes. The holders of such notes or interest 53542  
coupons pertaining thereto shall have a right to be paid solely 53543  
from the pledged receipts and special funds that may be pledged to 53544  
the payment of the bonds anticipated, or from the proceeds of such 53545  
bonds or renewal notes, or both, as the issuing authority provides 53546  
in the order authorizing such notes. Such notes may be 53547  
additionally secured by covenants of the issuing authority to the 53548  
effect that the issuing authority and the state will do such or 53549  
all things necessary for the issuance of such bonds or renewal 53550  
notes in the appropriate amount, and apply the proceeds thereof to 53551  
the extent necessary, to make full payment of the principal of and 53552  
interest on such notes at the time or times contemplated, as 53553  
provided in such order. For such purpose, the issuing authority 53554  
may issue bonds or renewal notes in such principal amount and upon 53555  
such terms as may be necessary to provide funds to pay when 53556



required the principal of and interest on such notes, 53557  
notwithstanding any limitations prescribed by or for purposes of 53558  
this section. Subject to this division, all provisions for and 53559  
references to obligations in this section are applicable to notes 53560  
authorized under this division. 53561

The issuing authority in the bond proceedings authorizing the 53562  
issuance of bond anticipation notes shall set forth for such bonds 53563  
an estimated interest rate and a schedule of principal payments 53564  
for such bonds and the annual maturity dates thereof. 53565

(N) Obligations issued under this section are lawful 53566  
investments for banks, societies for savings, savings and loan 53567  
associations, deposit guarantee associations, trust companies, 53568  
trustees, fiduciaries, insurance companies, including domestic for 53569  
life and domestic not for life, trustees or other officers having 53570  
charge of sinking and bond retirement or other special funds of 53571  
political subdivisions and taxing districts of this state, the 53572  
commissioners of the sinking fund of the state, the administrator 53573  
of workers' compensation, the state teachers retirement system, 53574  
the public employees retirement system, the school employees 53575  
retirement system, and the Ohio police and fire pension fund, 53576  
notwithstanding any other provisions of the Revised Code or rules 53577  
adopted pursuant thereto by any agency of the state with respect 53578  
to investments by them, and are also acceptable as security for 53579  
the deposit of public moneys. 53580

(O) Unless otherwise provided in any applicable bond 53581  
proceedings, moneys to the credit of or in the special funds 53582  
established by or pursuant to this section may be invested by or 53583  
on behalf of the issuing authority only in notes, bonds, or other 53584  
obligations of the United States, or of any agency or 53585  
instrumentality of the United States, obligations guaranteed as to 53586  
principal and interest by the United States, obligations of this 53587  
state or any political subdivision of this state, and certificates 53588

of deposit of any national bank located in this state and any 53589  
bank, as defined in section 1101.01 of the Revised Code, subject 53590  
to inspection by the superintendent of financial institutions. If 53591  
the law or the instrument creating a trust pursuant to division 53592  
(J) of this section expressly permits investment in direct 53593  
obligations of the United States or an agency of the United 53594  
States, unless expressly prohibited by the instrument, such moneys 53595  
also may be invested in no-front-end-load money market mutual 53596  
funds consisting exclusively of obligations of the United States 53597  
or an agency of the United States and in repurchase agreements, 53598  
including those issued by the fiduciary itself, secured by 53599  
obligations of the United States or an agency of the United 53600  
States; and in collective investment funds as defined in division 53601  
(A) of section 1111.01 of the Revised Code and consisting 53602  
exclusively of any such securities. The income from such 53603  
investments shall be credited to such funds as the issuing 53604  
authority determines, and such investments may be sold at such 53605  
times as the issuing authority determines or authorizes. 53606

(P) Provision may be made in the applicable bond proceedings 53607  
for the establishment of separate accounts in the bond service 53608  
fund and for the application of such accounts only to the 53609  
specified bond service charges on obligations pertinent to such 53610  
accounts and bond service fund and for other accounts therein 53611  
within the general purposes of such fund. Unless otherwise 53612  
provided in any applicable bond proceedings, moneys to the credit 53613  
of or in the several special funds established pursuant to this 53614  
section shall be disbursed on the order of the treasurer of state, 53615  
provided that no such order is required for the payment from the 53616  
bond service fund when due of bond service charges on obligations. 53617

(Q)(1) The issuing authority may pledge all, or such portion 53618  
as the issuing authority determines, of the pledged receipts to 53619  
the payment of bond service charges on obligations issued under 53620

this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(2) An action taken under division (Q)(2) of this section does not limit the generality of division (Q)(1) of this section, and is subject to division (C) of this section and, if and to the extent otherwise applicable, Section 13 of Article VIII, Ohio Constitution. The bond proceedings may contain a covenant that, in the event the pledged receipts primarily pledged and required to be used for the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so notify the governor, and shall determine to what extent, if any, the payment may be made or moneys may be restored to the reserves from lawfully available moneys previously appropriated for that purpose to the department of transportation. The covenant also may provide that if the payments are not made or the moneys are not immediately and fully restored to the reserves from such moneys, the director shall promptly submit to the governor and to the director of budget and management a written request for either or both of the following:

(a) That the next biennial budget submitted by the governor to the general assembly include an amount to be appropriated from lawfully available moneys to the department for the purpose of and sufficient for the payment in full of bond service charges previously due and for the full replenishment of the reserves;

(b) That the general assembly be requested to increase appropriations from lawfully available moneys for the department

in the current biennium sufficient for the purpose of and for the 53653  
payment in full of bond service charges previously due and to come 53654  
due in the biennium and for the full replenishment of the 53655  
reserves. 53656

The director of transportation shall include with such 53657  
requests a recommendation that the payment of the bond service 53658  
charges and the replenishment of the reserves be made in the 53659  
interest of maximizing the benefits of the state infrastructure 53660  
bank. Any such covenant shall not obligate or purport to obligate 53661  
the state to pay the bond service charges on such bonds or notes 53662  
or to deposit moneys in a reserve established for such payments 53663  
other than from moneys that may be lawfully available and 53664  
appropriated for that purpose during the then-current biennium. 53665

(R) There is hereby created the state infrastructure bank 53666  
revenue bond service fund, which shall be in the custody of the 53667  
treasurer of state but shall not be a part of the state treasury. 53668  
All moneys received by or on account of the issuing authority or 53669  
state agencies and required by the applicable bond proceedings, 53670  
consistent with this section, to be deposited, transferred, or 53671  
credited to the bond service fund, and all other moneys 53672  
transferred or allocated to or received for the purposes of the 53673  
fund, shall be deposited and credited to such fund and to any 53674  
separate accounts therein, subject to applicable provisions of the 53675  
bond proceedings, but without necessity for any act of 53676  
appropriation. The state infrastructure bank revenue bond service 53677  
fund is a trust fund and is hereby pledged to the payment of bond 53678  
service charges to the extent provided in the applicable bond 53679  
proceedings, and payment thereof from such fund shall be made or 53680  
provided for by the treasurer of state in accordance with such 53681  
bond proceedings without necessity for any act of appropriation. 53682

(S) The obligations issued pursuant to this section, the 53683  
transfer thereof, and the income therefrom, including any profit 53684

made on the sale thereof, shall at all times be free from taxation 53685  
within this state. 53686

Sec. 5533.531. The road known as state route one hundred 53687  
eighteen, commencing at the southernmost boundary of the municipal 53688  
corporation of St. Henry and extending southward to the 53689  
intersection of that state route and state route forty-seven, 53690  
shall be known as "Earl Baltes Highway." 53691

The director of transportation may erect suitable markers 53692  
along the highway indicating its name. 53693

Sec. 5533.632. The road known as state route number two, 53694  
running in an easterly and westerly direction, within the 53695  
municipal corporation of Willoughby only, shall be known as the 53696  
"Brian Montgomery Memorial Highway." 53697

The director of transportation may erect suitable markers 53698  
along the highway indicating its name. 53699

Sec. 5533.91. That part of the road known as state route 53700  
number forty-four, located within Lake county and commencing at 53701  
the intersection of that state route and state route number two 53702  
and extending in a northerly direction and ending at headlands 53703  
beach state park, shall be known as the "LCpl Andy Nowacki 53704  
Memorial Highway." 53705

The director of transportation may erect suitable markers 53706  
along the highway indicating its name. 53707

**Sec. 5537.04.** (A) The Ohio turnpike commission may do any of 53708  
the following: 53709

(1) Adopt bylaws for the regulation of its affairs and the 53710  
conduct of its business; 53711

(2) Adopt an official seal, which shall not be the great seal 53712

of the state and which need not be in compliance with section 5.10 53713  
of the Revised Code; 53714

(3) Maintain a principal office and suboffices at such places 53715  
within the state as it designates; 53716

(4) Sue and be sued in its own name, plead and be impleaded, 53717  
provided any actions against the commission shall be brought in 53718  
the court of common pleas of the county in which the principal 53719  
office of the commission is located, or in the court of common 53720  
pleas of the county in which the cause of action arose if that 53721  
county is located within this state, and all summonses, 53722  
exceptions, and notices of every kind shall be served on the 53723  
commission by leaving a copy thereof at its principal office with 53724  
the secretary-treasurer or executive director of the commission; 53725

(5) Construct, maintain, repair, police, and operate the 53726  
turnpike system, and establish rules for the use of any turnpike 53727  
project; 53728

(6) Issue revenue bonds of the state, payable solely from 53729  
pledged revenues, as provided in this chapter, for the purpose of 53730  
paying any part of the cost of constructing any one or more 53731  
turnpike projects; 53732

(7) Fix, and revise from time to time, and charge and collect 53733  
tolls; 53734

(8) Acquire, hold, and dispose of property in the exercise of 53735  
its powers and the performance of its duties under this chapter; 53736

(9) Designate the locations and establish, limit, and control 53737  
such points of ingress to and egress from each turnpike project as 53738  
are necessary or desirable in the judgment of the commission and 53739  
of the director of transportation to ensure the proper operation 53740  
and maintenance of that project, and prohibit entrance to such a 53741  
project from any point not so designated; 53742

(10) Make and enter into all contracts and agreements 53743  
necessary or incidental to the performance of its duties and the 53744  
execution of its powers under this chapter, including 53745  
participation in a multi-jurisdiction electronic toll collection 53746  
agreement and collection or remittance of tolls, fees, or other 53747  
charges to or from entities or agencies that participate in such 53748  
an agreement; 53749

(11) Employ or retain or contract for the services of 53750  
consulting engineers, superintendents, managers, and any other 53751  
engineers, construction and accounting experts, financial 53752  
advisers, trustees, marketing, remarketing, and administrative 53753  
agents, attorneys, and other employees, independent contractors, 53754  
or agents that are necessary in its judgment and fix their 53755  
compensation, provided all such expenses shall be payable solely 53756  
from the proceeds of bonds or from revenues of the Ohio turnpike 53757  
system; 53758

(12) Receive and accept from any federal agency, subject to 53759  
the approval of the governor, and from any other governmental 53760  
agency grants for or in aid of the construction, reconstruction, 53761  
repair, renovation, maintenance, or operation of any turnpike 53762  
project, and receive and accept aid or contributions from any 53763  
source or person of money, property, labor, or other things of 53764  
value, to be held, used, and applied only for the purposes for 53765  
which such grants and contributions are made; 53766

(13) Provide coverage for its employees under Chapters 4123. 53767  
and 4141. of the Revised Code; 53768

(14) Fix and revise by rule, from time to time, such permit 53769  
fees, processing fees, or administrative charges for the 53770  
prepayment, deferred payment, or nonpayment of tolls and use of 53771  
electronic tolling equipment or other commission property. 53772

(B) The commission may do all acts necessary or proper to 53773

carry out the powers expressly granted in this chapter. 53774

**Sec. 5537.16.** (A) The Ohio turnpike commission may adopt such 53775  
bylaws and rules as it considers advisable for the control and 53776  
regulation of traffic on any turnpike project, for the protection 53777  
and preservation of property under its jurisdiction and control, 53778  
~~and~~ for the maintenance and preservation of good order within the 53779  
property under its control, and for the purpose of establishing 53780  
owner or operator liability for failure to comply with toll 53781  
collection rules. The rules of the commission with respect to the 53782  
speed, use of special engine brakes, axle loads, vehicle loads, 53783  
and vehicle dimensions of vehicles on turnpike projects, including 53784  
the issuance of a special permit by the commission to allow the 53785  
operation on any turnpike project of a motor vehicle transporting 53786  
two or fewer steel coils, shall apply notwithstanding sections 53787  
4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised 53788  
Code. Such bylaws and rules shall be published in a newspaper of 53789  
general circulation in Franklin county, and in such other manner 53790  
as the commission prescribes. 53791

(B) Such rules shall provide that public police officers 53792  
shall be afforded ready access, while in the performance of their 53793  
official duty, to all property under the jurisdiction of the 53794  
commission and without the payment of tolls. 53795

(C) No person shall violate any such bylaws or rules of the 53796  
commission. ~~All~~ 53797

(D)(1) All fines collected for the violation of applicable 53798  
laws of the state and the bylaws and rules of the commission or 53799  
moneys arising from bonds forfeited for such violation shall be 53800  
disposed of in accordance with section 5503.04 of the Revised 53801  
Code. 53802

(2) All fees or charges assessed by the commission against an 53803  
owner or operator of a vehicle as a civil violation for failure to 53804



comply with toll collection rules shall be revenues of the 53805  
commission. 53806

**Sec. 5537.99.** ~~Whoever~~ (A) Except as provided in division (B) 53807  
of this section, whoever violates division (C) of section 5537.16 53808  
of the Revised Code is guilty of a minor misdemeanor on a first 53809  
offense; on each subsequent offense such person is guilty of a 53810  
misdemeanor of the fourth degree. 53811

(B) Whoever violates division (C) of section 5537.16 of the 53812  
Revised Code when the violation is a civil violation for failure 53813  
to comply with toll collection rules is subject to a fee or charge 53814  
established by the commission by rule. 53815

**Sec. 5703.57.** (A) As used in this section, "Ohio business 53816  
gateway" has the same meaning as in section 718.051 of the Revised 53817  
Code. 53818

(B) There is hereby created the Ohio business gateway 53819  
steering committee to direct the continuing development of the 53820  
Ohio business gateway and to oversee its operations. The committee 53821  
shall provide general oversight regarding operation of the Ohio 53822  
business gateway and shall recommend to the ~~department of~~ 53823  
~~administrative services~~ office of information technology 53824  
enhancements that will improve the Ohio business gateway. The 53825  
committee shall consider all banking, technological, 53826  
administrative, and other issues associated with the Ohio business 53827  
gateway and shall make recommendations regarding the type of 53828  
reporting forms or other tax documents to be filed through the 53829  
Ohio business gateway. 53830

(C) The committee shall consist of: 53831

(1) The following members, appointed by the governor with the 53832  
advice and consent of the senate: 53833

(a) Not more than two representatives of the business 53834

community;	53835
(b) Not more than three representatives of municipal tax administrators; and	53836 53837
(c) Not more than two tax practitioners.	53838
(2) The following ex officio members:	53839
(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;	53840 53841 53842 53843
(b) The secretary of state or the secretary of state's designee;	53844 53845
(c) The treasurer of state or the treasurer of state's designee;	53846 53847
(d) <del>The director of budget and management or the director's designee;</del>	53848 53849
<del>(e) The director of the office of information technology</del> <u>state chief information officer</u> or the <del>director's</del> <u>officer's</u> designee; and	53850 53851 53852
<del>(f)</del> <u>(e)</u> The tax commissioner or the tax commissioner's designee.	53853 53854
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.	53855 53856 53857
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be	53858 53859 53860 53861 53862 53863 53864

reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties. 53865  
53866

(E) The committee is a part of the department of taxation for administrative purposes. 53867  
53868

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee. 53869  
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(G) The committee shall hire professional, technical, and clerical staff needed to support its activities. 53875  
53876

(H) The committee shall meet as often as necessary to perform its duties. 53877  
53878

**Sec. 5703.80.** There is hereby created in the state treasury the property tax administration fund. All money to the credit of the fund shall be used to defray the costs incurred by the department of taxation in administering the taxation of property and the equalization of real property valuation. 53879  
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Each fiscal year between the first and fifteenth days of July, the tax commissioner shall compute the following amounts for the property in each taxing district in each county, and certify to the director of budget and management the sum of those amounts for all taxing districts in all counties: 53884  
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53886  
53887  
53888

(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; 53889  
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53891  
53892  
53893

(B) For fiscal year 2007 and thereafter, thirty-five 53894

hundredths of one per cent of the total amount by which taxes 53895  
charged against real property on the general tax list of real and 53896  
public utility property were reduced under section 319.302 of the 53897  
Revised Code for the preceding tax year; 53898

(C) For fiscal year 2006, one-half of one per cent of the 53899  
total amount of taxes charged and payable against public utility 53900  
personal property on the general tax list of real and public 53901  
utility property for the preceding tax year and of the total 53902  
amount of taxes charged and payable against tangible personal 53903  
property on the general tax list of personal property of the 53904  
preceding tax year and for which returns were filed with the tax 53905  
commissioner under section 5711.13 of the Revised Code; 53906

(D) For fiscal year 2007, fifty-six hundredths of one per 53907  
cent of the total amount of taxes charged and payable against 53908  
public utility personal property on the general tax list of real 53909  
and public utility property for the preceding tax year and of the 53910  
total amount of taxes charged and payable against tangible 53911  
personal property on the general tax list of personal property of 53912  
the preceding tax year and for which returns were filed with the 53913  
tax commissioner under section 5711.13 of the Revised Code; 53914

(E) For fiscal year 2008 ~~and thereafter~~, six-tenths of one 53915  
per cent of the total amount of taxes charged and payable against 53916  
public utility personal property on the general tax list of real 53917  
and public utility property for the preceding tax year and of the 53918  
total amount of taxes charged and payable against tangible 53919  
personal property on the general tax list of personal property of 53920  
the preceding tax year and for which returns were filed with the 53921  
tax commissioner under section 5711.13 of the Revised Code; 53922

(F) For fiscal year 2009 and thereafter, seven hundred 53923  
twenty-five one-thousandths of one per cent of the total amount of 53924  
taxes charged and payable against public utility personal property 53925  
on the general tax list of real and public utility property for 53926

the preceding tax year and of the total amount of taxes charged 53927  
and payable against tangible personal property on the general tax 53928  
list of personal property of the preceding tax year and for which 53929  
returns were filed with the tax commissioner under section 5711.13 53930  
of the Revised Code. 53931

After receiving the tax commissioner's certification, the 53932  
director of budget and management shall transfer from the general 53933  
revenue fund to the property tax administration fund one-fourth of 53934  
the amount certified on or before each of the following days: the 53935  
first days of August, November, February, and May. 53936

On or before the thirtieth day of June of the fiscal year, 53937  
the tax commissioner shall certify to the director of budget and 53938  
management the sum of the amounts by which the amounts computed 53939  
for a taxing district under this section exceeded the 53940  
distributions to the taxing district under division (F) of section 53941  
321.24 of the Revised Code, and the director shall transfer that 53942  
sum from the property tax administration fund to the general 53943  
revenue fund. 53944

**Sec. 5705.01.** As used in this chapter: 53945

(A) "Subdivision" means any county; municipal corporation; 53946  
township; township police district; township fire district; joint 53947  
fire district; joint ambulance district; joint emergency medical 53948  
services district; fire and ambulance district; joint recreation 53949  
district; township waste disposal district; township road 53950  
district; community college district; technical college district; 53951  
detention facility district; a district organized under section 53952  
2151.65 of the Revised Code; a combined district organized under 53953  
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 53954  
alcohol, drug addiction, and mental health service district; a 53955  
drainage improvement district created under section 6131.52 of the 53956  
Revised Code; a union cemetery district; a county school financing 53957

district; ~~or~~ a city, local, exempted village, cooperative 53958  
education, or joint vocational school district; or a student 53959  
special services district created under section 3313.82 of the 53960  
Revised Code. 53961

(B) "Municipal corporation" means all municipal corporations, 53962  
including those that have adopted a charter under Article XVIII, 53963  
Ohio Constitution. 53964

(C) "Taxing authority" or "bond issuing authority" means, in 53965  
the case of any county, the board of county commissioners; in the 53966  
case of a municipal corporation, the council or other legislative 53967  
authority of the municipal corporation; in the case of a city, 53968  
local, exempted village, cooperative education, or joint 53969  
vocational school district, the board of education; in the case of 53970  
a community college district, the board of trustees of the 53971  
district; in the case of a technical college district, the board 53972  
of trustees of the district; in the case of a detention facility 53973  
district, a district organized under section 2151.65 of the 53974  
Revised Code, or a combined district organized under sections 53975  
2152.41 and 2151.65 of the Revised Code, the joint board of county 53976  
commissioners of the district; in the case of a township, the 53977  
board of township trustees; in the case of a joint fire district, 53978  
the board of fire district trustees; in the case of a joint 53979  
recreation district, the joint recreation district board of 53980  
trustees; in the case of a joint-county alcohol, drug addiction, 53981  
and mental health service district, the district's board of 53982  
alcohol, drug addiction, and mental health services; in the case 53983  
of a joint ambulance district or a fire and ambulance district, 53984  
the board of trustees of the district; in the case of a union 53985  
cemetery district, the legislative authority of the municipal 53986  
corporation and the board of township trustees, acting jointly as 53987  
described in section 759.341 of the Revised Code; in the case of a 53988  
drainage improvement district, the board of county commissioners 53989

of the county in which the drainage district is located; in the 53990  
case of a joint emergency medical services district, the joint 53991  
board of county commissioners of all counties in which all or any 53992  
part of the district lies; and in the case of a township police 53993  
district, a township fire district, a township road district, or a 53994  
township waste disposal district, the board of township trustees 53995  
of the township in which the district is located. "Taxing 53996  
authority" also means the educational service center governing 53997  
board that serves as the taxing authority of a county school 53998  
financing district as provided in section 3311.50 of the Revised 53999  
Code, and the board of directors of a student special services 54000  
district created under section 3313.82 of the Revised Code. 54001

(D) "Fiscal officer" in the case of a county, means the 54002  
county auditor; in the case of a municipal corporation, the city 54003  
auditor or village clerk, or an officer who, by virtue of the 54004  
charter, has the duties and functions of the city auditor or 54005  
village clerk, except that in the case of a municipal university 54006  
the board of directors of which have assumed, in the manner 54007  
provided by law, the custody and control of the funds of the 54008  
university, the chief accounting officer of the university shall 54009  
perform, with respect to the funds, the duties vested in the 54010  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 54011  
of the Revised Code; in the case of a school district, the 54012  
treasurer of the board of education; in the case of a county 54013  
school financing district, the treasurer of the educational 54014  
service center governing board that serves as the taxing 54015  
authority; in the case of a township, the township fiscal officer; 54016  
in the case of a joint fire district, the clerk of the board of 54017  
fire district trustees; in the case of a joint ambulance district, 54018  
the clerk of the board of trustees of the district; in the case of 54019  
a joint emergency medical services district, the person appointed 54020  
as fiscal officer pursuant to division (D) of section 307.053 of 54021  
the Revised Code; in the case of a fire and ambulance district, 54022

the person appointed as fiscal officer pursuant to division (B) of 54023  
section 505.375 of the Revised Code; in the case of a joint 54024  
recreation district, the person designated pursuant to section 54025  
755.15 of the Revised Code; in the case of a union cemetery 54026  
district, the clerk of the municipal corporation designated in 54027  
section 759.34 of the Revised Code; in the case of a children's 54028  
home district, educational service center, general health 54029  
district, joint-county alcohol, drug addiction, and mental health 54030  
service district, county library district, detention facility 54031  
district, district organized under section 2151.65 of the Revised 54032  
Code, a combined district organized under sections 2152.41 and 54033  
2151.65 of the Revised Code, or a metropolitan park district for 54034  
which no treasurer has been appointed pursuant to section 1545.07 54035  
of the Revised Code, the county auditor of the county designated 54036  
by law to act as the auditor of the district; in the case of a 54037  
metropolitan park district which has appointed a treasurer 54038  
pursuant to section 1545.07 of the Revised Code, that treasurer; 54039  
in the case of a drainage improvement district, the auditor of the 54040  
county in which the drainage improvement district is located; in 54041  
the case of a student special services district, the fiscal 54042  
officer appointed pursuant to section 3313.82 of the Revised Code; 54043  
and in all other cases, the officer responsible for keeping the 54044  
appropriation accounts and drawing warrants for the expenditure of 54045  
the moneys of the district or taxing unit. 54046

(E) "Permanent improvement" or "improvement" means any 54047  
property, asset, or improvement with an estimated life or 54048  
usefulness of five years or more, including land and interests 54049  
therein, and reconstructions, enlargements, and extensions thereof 54050  
having an estimated life or usefulness of five years or more. 54051

(F) "Current operating expenses" and "current expenses" mean 54052  
the lawful expenditures of a subdivision, except those for 54053  
permanent improvements, and except payments for interest, sinking 54054



fund, and retirement of bonds, notes, and certificates of 54055  
indebtedness of the subdivision. 54056

(G) "Debt charges" means interest, sinking fund, and 54057  
retirement charges on bonds, notes, or certificates of 54058  
indebtedness. 54059

(H) "Taxing unit" means any subdivision or other governmental 54060  
district having authority to levy taxes on the property in the 54061  
district or issue bonds that constitute a charge against the 54062  
property of the district, including conservancy districts, 54063  
metropolitan park districts, sanitary districts, road districts, 54064  
and other districts. 54065

(I) "District authority" means any board of directors, 54066  
trustees, commissioners, or other officers controlling a district 54067  
institution or activity that derives its income or funds from two 54068  
or more subdivisions, such as the educational service center, the 54069  
trustees of district children's homes, the district board of 54070  
health, a joint-county alcohol, drug addiction, and mental health 54071  
service district's board of alcohol, drug addiction, and mental 54072  
health services, detention facility districts, a joint recreation 54073  
district board of trustees, districts organized under section 54074  
2151.65 of the Revised Code, combined districts organized under 54075  
sections 2152.41 and 2151.65 of the Revised Code, and other such 54076  
boards. 54077

(J) "Tax list" and "tax duplicate" mean the general tax lists 54078  
and duplicates prescribed by sections 319.28 and 319.29 of the 54079  
Revised Code. 54080

(K) "Property" as applied to a tax levy means taxable 54081  
property listed on general tax lists and duplicates. 54082

(L) "School library district" means a school district in 54083  
which a free public library has been established that is under the 54084  
control and management of a board of library trustees as provided 54085

in section 3375.15 of the Revised Code. 54086

**Sec. 5705.214.** Not more than three elections during any 54087  
calendar year shall include the questions by a school district of 54088  
tax levies proposed under any one or any combination of the 54089  
following sections: sections 5705.194, 5705.21, 5705.212, 54090  
5705.213, 5705.217, ~~and~~ 5705.218, 5748.02, 5748.021, and 5748.08 54091  
of the Revised Code. 54092

**Sec. 5705.219.** (A) If the board of directors of a student 54093  
special services district created under section 3313.82 of the 54094  
Revised Code desires to levy a tax in excess of the ten-mill 54095  
limitation throughout the district for the purpose of funding the 54096  
services to be provided by the district to students enrolled in 54097  
the school districts of which the district is composed and their 54098  
immediate family members, the board shall propose the levy to each 54099  
of the boards of education of those school districts. The proposal 54100  
shall specify the rate or amount of the tax, the number of years 54101  
the tax will be levied or that it will be levied for a continuing 54102  
period of time, and that the aggregate rate of the tax shall not 54103  
exceed three mills per dollar of taxable value in the student 54104  
special services district. 54105

(B)(1) If a majority of the boards of education of the school 54106  
districts of which the student special services district is 54107  
composed approves the proposal for the tax levy, the board of 54108  
directors of the student special services district may adopt a 54109  
resolution approved by a majority of the board's full membership 54110  
declaring the necessity of levying the proposed tax in excess of 54111  
the ten-mill limitation throughout the district for the purpose of 54112  
funding the services to be provided by the district to students 54113  
enrolled in the school districts of which the district is composed 54114  
and their immediate family members. The resolution shall provide 54115  
for the question of the tax to be submitted to the electors of the 54116

district at a general, primary, or special election on a day to be 54117  
specified in the resolution that is consistent with the 54118  
requirements of section 3501.01 of the Revised Code and that 54119  
occurs at least seventy-five days after the resolution is 54120  
certified to the board of elections. The resolution shall specify 54121  
the rate or amount of the tax and the number of years the tax will 54122  
be levied or that the tax will be levied for a continuing period 54123  
of time. The aggregate rate of tax levied by a student special 54124  
services district under this section at any time shall not exceed 54125  
three mills per dollar of taxable value in the district. A tax 54126  
levied under this section may be renewed, subject to section 54127  
5705.25 of the Revised Code, or replaced as provided in section 54128  
5705.192 of the Revised Code. 54129

(2) The resolution shall take effect immediately upon 54130  
passage, and no publication of the resolution is necessary other 54131  
than that provided in the notice of election. The resolution shall 54132  
be certified and submitted in the manner provided under section 54133  
5705.25 of the Revised Code, and that section governs the 54134  
arrangements governing submission of the question and other 54135  
matters concerning the election. 54136

**Sec. 5705.25.** (A) A copy of any resolution adopted as 54137  
provided in section 5705.19 or 5705.219 of the Revised Code shall 54138  
be certified by the taxing authority to the board of elections of 54139  
the proper county not less than seventy-five days before the 54140  
general election in any year, and the board shall submit the 54141  
proposal to the electors of the subdivision at the succeeding 54142  
November election. Except as otherwise provided in this division, 54143  
a resolution to renew an existing levy, regardless of the section 54144  
of the Revised Code under which the tax was imposed, shall not be 54145  
placed on the ballot unless the question is submitted at the 54146  
general election held during the last year the tax to be renewed 54147  
or replaced may be extended on the real and public utility 54148

property tax list and duplicate, or at any election held in the 54149  
ensuing year. The limitation of the foregoing sentence does not 54150  
apply to a resolution to renew and increase or to renew part of an 54151  
existing levy that was imposed under section 5705.191 of the 54152  
Revised Code to supplement the general fund for the purpose of 54153  
making appropriations for one or more of the following purposes: 54154  
for public assistance, human or social services, relief, welfare, 54155  
hospitalization, health, and support of general hospitals. The 54156  
limitation of the second preceding sentence also does not apply to 54157  
a resolution that proposes to renew two or more existing levies 54158  
imposed under section 5705.21 of the Revised Code, in which case 54159  
the question shall be submitted on the date of the general or 54160  
primary election held during the last year at least one of the 54161  
levies to be renewed may be extended on the real and public 54162  
utility property tax list and duplicate, or at any election held 54163  
during the ensuing year. For purposes of this section, a levy 54164  
shall be considered to be an "existing levy" through the year 54165  
following the last year it can be placed on that tax list and 54166  
duplicate. 54167

The board shall make the necessary arrangements for the 54168  
submission of such questions to the electors of such subdivision, 54169  
and the election shall be conducted, canvassed, and certified in 54170  
the same manner as regular elections in such subdivision for the 54171  
election of county officers. Notice of the election shall be 54172  
published in a newspaper of general circulation in the subdivision 54173  
once a week for two consecutive weeks prior to the election, and, 54174  
if the board of elections operates and maintains a web site, the 54175  
board of elections shall post notice of the election on its web 54176  
site for thirty days prior to the election. The notice shall state 54177  
the purpose, the proposed increase in rate expressed in dollars 54178  
and cents for each one hundred dollars of valuation as well as in 54179  
mills for each one dollar of valuation, the number of years during 54180  
which the increase will be in effect, the first month and year in 54181

which the tax will be levied, and the time and place of the election. 54182  
 54183

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows: 54184  
 54185

"An additional tax for the benefit of (name of subdivision or public library) ..... for the purpose of (purpose stated in the resolution) ..... at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) ..... for each one hundred dollars of valuation, for ..... (life of indebtedness or number of years the levy is to run). 54186  
 54187  
 54188  
 54189  
 54190  
 54191  
 54192

	For the Tax Levy	"
	Against the Tax Levy	

54193  
 54194  
 54195  
 54196

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy. 54197  
 54198  
 54199

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)." 54200  
 54201  
 54202  
 54203  
 54204  
 54205

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of ..... mills and an increase of ..... mills to constitute a" in the case of an 54206  
 54207  
 54208  
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 54212

increase; or the words "A renewal of part of an existing levy, 54213  
being a reduction of ..... mills, to constitute a" in the case of 54214  
a decrease in the proposed levy. 54215

If the levy submitted is a proposal to renew two or more 54216  
existing levies imposed under section 5705.21 of the Revised Code, 54217  
the form of the ballot specified in division (B) of this section 54218  
shall be modified by substituting for the words "an additional 54219  
tax" the words "a renewal of ....(insert the number of levies to 54220  
be renewed) existing taxes." 54221

The question covered by such resolution shall be submitted as 54222  
a separate proposition but may be printed on the same ballot with 54223  
any other proposition submitted at the same election, other than 54224  
the election of officers. More than one such question may be 54225  
submitted at the same election. 54226

(D) A levy voted in excess of the ten-mill limitation under 54227  
this section shall be certified to the tax commissioner. In the 54228  
first year of the levy, it shall be extended on the tax lists 54229  
after the February settlement succeeding the election. If the 54230  
additional tax is to be placed upon the tax list of the current 54231  
year, as specified in the resolution providing for its submission, 54232  
the result of the election shall be certified immediately after 54233  
the canvass by the board of elections to the taxing authority, who 54234  
shall make the necessary levy and certify it to the county 54235  
auditor, who shall extend it on the tax lists for collection. 54236  
After the first year, the tax levy shall be included in the annual 54237  
tax budget that is certified to the county budget commission. 54238

**Sec. 5705.29.** This section does not apply to a subdivision or 54239  
taxing unit for which the county budget commission has waived the 54240  
requirement to adopt a tax budget pursuant to section 5705.281 of 54241  
the Revised Code. The tax budget shall present the following 54242  
information in such detail as is prescribed by the auditor of 54243

state:	54244
(A)(1) A statement of the necessary current operating	54245
expenses for the ensuing fiscal year for each department and	54246
division of the subdivision, classified as to personal services	54247
and other expenses, and the fund from which such expenditures are	54248
to be made. Except in the case of a school district, this estimate	54249
may include a contingent expense not designated for any particular	54250
purpose, and not to exceed three per cent of the total amount of	54251
appropriations for current expenses. In the case of a school	54252
district, this estimate may include a contingent expense not	54253
designated for any particular purpose and not to exceed thirteen	54254
per cent of the total amount of appropriations for current	54255
expenses.	54256
(2) A statement of the expenditures for the ensuing fiscal	54257
year necessary for permanent improvements, exclusive of any	54258
expense to be paid from bond issues, classified as to the	54259
improvements contemplated by the subdivision and the fund from	54260
which such expenditures are to be made;	54261
(3) The amounts required for the payment of final judgments;	54262
(4) A statement of expenditures for the ensuing fiscal year	54263
necessary for any purpose for which a special levy is authorized,	54264
and the fund from which such expenditures are to be made;	54265
(5) Comparative statements, so far as possible, in parallel	54266
columns of corresponding items of expenditures for the current	54267
fiscal year and the two preceding fiscal years.	54268
(B)(1) An estimate of receipts from other sources than the	54269
general property tax during the ensuing fiscal year, which shall	54270
include an estimate of unencumbered balances at the end of the	54271
current fiscal year, and the funds to which such estimated	54272
receipts are credited;	54273
(2) The amount each fund requires from the general property	54274

tax, which shall be the difference between the contemplated 54275  
expenditure from the fund and the estimated receipts, as provided 54276  
in this section. The section of the Revised Code under which the 54277  
tax is authorized shall be set forth. 54278

(3) Comparative statements, so far as possible, in parallel 54279  
columns of taxes and other revenues for the current fiscal year 54280  
and the two preceding fiscal years. 54281

(C)(1) The amount required for debt charges; 54282

(2) The estimated receipts from sources other than the tax 54283  
levy for payment of such debt charges, including the proceeds of 54284  
refunding bonds to be issued to refund bonds maturing in the next 54285  
succeeding fiscal year; 54286

(3) The net amount for which a tax levy shall be made, 54287  
classified as to bonds authorized and issued prior to January 1, 54288  
1922, and those authorized and issued subsequent to such date, and 54289  
as to what portion of the levy will be within and what in excess 54290  
of the ten-mill limitation. 54291

(D) An estimate of amounts from taxes authorized to be levied 54292  
in excess of the ten-mill limitation on the tax rate, and the fund 54293  
to which such amounts will be credited, together with the sections 54294  
of the Revised Code under which each such tax is exempted from all 54295  
limitations on the tax rate. 54296

(E)(1) A board of education may include in its budget for the 54297  
fiscal year in which a levy proposed under section 5705.194, 54298  
5705.21, or 5705.213, or the original levy under section 5705.212 54299  
of the Revised Code is first extended on the tax list and 54300  
duplicate an estimate of expenditures to be known as a voluntary 54301  
contingency reserve balance, which shall not be greater than 54302  
twenty-five per cent of the total amount of the levy estimated to 54303  
be available for appropriation in such year. 54304

(2) A board of education may include in its budget for the 54305



fiscal year following the year in which a levy proposed under 54306  
section 5705.194, 5705.21, or 5705.213, or the original levy under 54307  
section 5705.212 of the Revised Code is first extended on the tax 54308  
list and duplicate an estimate of expenditures to be known as a 54309  
voluntary contingency reserve balance, which shall not be greater 54310  
than twenty per cent of the amount of the levy estimated to be 54311  
available for appropriation in such year. 54312

(3) Except as provided in division (E)(4) of this section, 54313  
the full amount of any reserve balance the board includes in its 54314  
budget shall be retained by the county auditor and county 54315  
treasurer out of the first semiannual settlement of taxes until 54316  
the beginning of the next succeeding fiscal year, and thereupon, 54317  
with the depository interest apportioned thereto, it shall be 54318  
turned over to the board of education, to be used for the purposes 54319  
of such fiscal year. 54320

(4) A board of education, by a two-thirds vote of all members 54321  
of the board, may appropriate any amount withheld as a voluntary 54322  
contingency reserve balance during the fiscal year for any lawful 54323  
purpose, provided that prior to such appropriation the board of 54324  
education has authorized the expenditure of all amounts 54325  
appropriated for contingencies under section 5705.40 of the 54326  
Revised Code. Upon request by the board of education, the county 54327  
auditor shall draw a warrant on the district's account in the 54328  
county treasury payable to the district in the amount requested. 54329

(F)(1) A board of education may include a spending reserve in 54330  
its budget for fiscal years ending on or before June 30, 2002. The 54331  
spending reserve shall consist of an estimate of expenditures not 54332  
to exceed the district's spending reserve balance. A district's 54333  
spending reserve balance is the amount by which the designated 54334  
percentage of the district's estimated personal property taxes to 54335  
be settled during the calendar year in which the fiscal year ends 54336  
exceeds the estimated amount of personal property taxes to be so 54337

settled and received by the district during that fiscal year. 54338  
Moneys from a spending reserve shall be appropriated in accordance 54339  
with section 133.301 of the Revised Code. 54340

(2) For the purposes of computing a school district's 54341  
spending reserve balance for a fiscal year, the designated 54342  
percentage shall be as follows: 54343

Fiscal year ending in:	Designated percentage	
1998	50%	54344
1999	40%	54345
2000	30%	54346
2001	20%	54347
2002	10%	54348

(G) Except as otherwise provided in this division, the county 54350  
budget commission shall not reduce the taxing authority of a 54351  
subdivision as a result of the creation of a reserve balance 54352  
account. Except as otherwise provided in this division, the county 54353  
budget commission shall not consider the amount in a reserve 54354  
balance account of a township, county, or municipal corporation as 54355  
an unencumbered balance or as revenue for the purposes of division 54356  
(E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of~~ 54357  
~~section 5747.62~~ of the Revised Code. The county budget commission 54358  
may require documentation of the reasonableness of the reserve 54359  
balance held in any reserve balance account. The commission shall 54360  
consider any amount in a reserve balance account that it 54361  
determines to be unreasonable as unencumbered and as revenue for 54362  
the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code 54363  
and may take such amounts into consideration when determining 54364  
whether to reduce the taxing authority of a subdivision. 54365

**Sec. 5705.44.** When contracts or leases run beyond the 54366  
termination of the fiscal year in which they are made, the fiscal 54367  
officer of the taxing authority shall make a certification for the 54368

amount required to meet the obligation of such contract or lease 54369  
maturing in such fiscal year. The amount of the obligation under 54370  
such contract or lease remaining unfulfilled at the end of a 54371  
fiscal year, and which will become payable during the next fiscal 54372  
year, shall be included in the annual appropriation measure for 54373  
the next year as a fixed charge. 54374

The certificate required by section 5705.41 of the Revised 54375  
Code as to money in the treasury shall not be required for 54376  
contracts on which payments are to be made from the earnings of a 54377  
publicly operated water works or public utility, but in the case 54378  
of any such contract made without such certification, no payment 54379  
shall be made on account thereof, and no claim or demand thereon 54380  
shall be recoverable, except out of such earnings. That 54381  
certificate also shall not be required if requiring the 54382  
certificate makes it impossible for a county board of mental 54383  
retardation and developmental disabilities to pay the nonfederal 54384  
share of medicaid expenditures that the county board is required 54385  
by ~~division (A) of section 5126.057~~ sections 5126.059 and 54386  
5126.0510 of the Revised Code to pay. 54387

**Sec. 5709.68.** (A) On or before the thirty-first day of March 54388  
each year, a municipal corporation or county that has entered into 54389  
an agreement with an enterprise under section 5709.62, 5709.63, or 54390  
5709.632 of the Revised Code shall submit to the director of 54391  
development and the board of education of each school district of 54392  
which a municipal corporation or township to which such an 54393  
agreement applies is a part a report on all of those agreements in 54394  
effect during the preceding calendar year. The report shall 54395  
include all of the following information: 54396

(1) The designation, assigned by the director of development, 54397  
of each urban jobs and enterprise zone within the municipal 54398  
corporation or county, the date each zone was certified, the name 54399

of each municipal corporation or township within each zone, and 54400  
the total population of each zone according to the most recent 54401  
data available; 54402

(2) The number of enterprises that are subject to those 54403  
agreements and the number of full-time employees subject to those 54404  
agreements within each zone, each according to the most recent 54405  
data available and identified and categorized by the appropriate 54406  
standard industrial code, and the rate of unemployment in the 54407  
municipal corporation or county in which the zone is located for 54408  
each year since each zone was certified; 54409

(3) The number of agreements approved and executed during the 54410  
calendar year for which the report is submitted, the total number 54411  
of agreements in effect on the thirty-first day of December of the 54412  
preceding calendar year, the number of agreements that expired 54413  
during the calendar year for which the report is submitted, and 54414  
the number of agreements scheduled to expire during the calendar 54415  
year in which the report is submitted. For each agreement that 54416  
expired during the calendar year for which the report is 54417  
submitted, the municipal corporation or county shall include the 54418  
amount of taxes exempted and the estimated dollar value of any 54419  
other incentives provided under the agreement. 54420

(4) The number of agreements receiving compliance reviews by 54421  
the tax incentive review council in the municipal corporation or 54422  
county during the calendar year for which the report is submitted, 54423  
including all of the following information: 54424

(a) The number of agreements the terms of which an enterprise 54425  
has complied with, indicating separately for each agreement the 54426  
value of the real and personal property exempted pursuant to the 54427  
agreement and a comparison of the stipulated and actual schedules 54428  
for hiring new employees, for retaining existing employees, for 54429  
the amount of payroll of the enterprise attributable to these 54430  
employees, and for investing in establishing, expanding, 54431

renovating, or occupying a facility; 54432

(b) The number of agreements the terms of which an enterprise 54433  
has failed to comply with, indicating separately for each 54434  
agreement the value of the real and personal property exempted 54435  
pursuant to the agreement and a comparison of the stipulated and 54436  
actual schedules for hiring new employees, for retaining existing 54437  
employees, for the amount of payroll of the enterprise 54438  
attributable to these employees, and for investing in 54439  
establishing, expanding, renovating, or occupying a facility; 54440

(c) The number of agreements about which the tax incentive 54441  
review council made recommendations to the legislative authority 54442  
of the municipal corporation or county, and the number of those 54443  
recommendations that have not been followed; 54444

(d) The number of agreements rescinded during the calendar 54445  
year for which the report is submitted. 54446

(5) The number of enterprises that are subject to agreements 54447  
that expanded within each zone, including the number of new 54448  
employees hired and existing employees retained by each 54449  
enterprise, and the number of new enterprises that are subject to 54450  
agreements and that established within each zone, including the 54451  
number of new employees hired by each enterprise; 54452

(6)(a) The number of enterprises that are subject to 54453  
agreements and that closed or reduced employment at any place of 54454  
business within the state for the primary purpose of establishing, 54455  
expanding, renovating, or occupying a facility, indicating 54456  
separately for each enterprise the political subdivision in which 54457  
the enterprise closed or reduced employment at a place of business 54458  
and the number of full-time employees transferred and retained by 54459  
each such place of business; 54460

(b) The number of enterprises that are subject to agreements 54461  
and that closed or reduced employment at any place of business 54462

outside the state for the primary purpose of establishing, 54463  
expanding, renovating, or occupying a facility. 54464

(7) For each agreement in effect during any part of the 54465  
preceding year, the number of employees employed by the enterprise 54466  
at the project site immediately prior to formal approval of the 54467  
agreement, the number of employees employed by the enterprise at 54468  
the project site on the thirty-first day of December of the 54469  
preceding year, the payroll of the enterprise for the preceding 54470  
year, the amount of taxes paid on tangible personal property 54471  
situated at the project site and the amount of those taxes that 54472  
were not paid because of the exemption granted under the 54473  
agreement, and the amount of taxes paid on real property 54474  
constituting the project site and the amount of those taxes that 54475  
were not paid because of the exemption granted under the 54476  
agreement. If an agreement was entered into under section 5709.632 54477  
of the Revised Code with an enterprise described in division 54478  
(B)(2) of that section, the report shall include the number of 54479  
employee positions at all of the enterprise's locations in this 54480  
state. If an agreement is conditioned on a waiver issued under 54481  
division (B) of section 5709.633 of the Revised Code on the basis 54482  
of the circumstance described in division (B)(3)(a) or (b) of that 54483  
section, the report shall include the number of employees at the 54484  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 54485  
section, respectively. 54486

(B) Upon the failure of a municipal corporation or county to 54487  
comply with division (A) of this section: 54488

(1) Beginning on the first day of April of the calendar year 54489  
in which the municipal corporation or county fails to comply with 54490  
that division, the municipal corporation or county shall not enter 54491  
into any agreements with an enterprise under section 5709.62, 54492  
5709.63, or 5709.632 of the Revised Code until the municipal 54493  
corporation or county has complied with division (A) of this 54494

section. 54495

(2) On the first day of each ensuing calendar month until the 54496  
municipal corporation or county complies with division (A) of this 54497  
section, the director of development shall either order the proper 54498  
county auditor to deduct from the next succeeding payment of taxes 54499  
to the municipal corporation or county under section 321.31, 54500  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 54501  
one thousand dollars for each calendar month the municipal 54502  
corporation or county fails to comply with that division, or order 54503  
the county auditor to deduct that amount from the next succeeding 54504  
payment to the municipal corporation or county from the undivided 54505  
local government fund under section 5747.51 of the Revised Code. 54506  
At the time such a payment is made, the county auditor shall 54507  
comply with the director's order by issuing a warrant, drawn on 54508  
the fund from which the money would have been paid, to the 54509  
director of development, who shall deposit the warrant into the 54510  
state enterprise zone program administration fund created in 54511  
division (C) of this section. 54512

(C) The director, by rule, shall establish the state's 54513  
application fee for applications submitted to a municipal 54514  
corporation or county to enter into an agreement under section 54515  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 54516  
the amount of the fee, the director shall consider the state's 54517  
cost of administering the enterprise zone program, including the 54518  
cost of reviewing the reports required under division (A) of this 54519  
section. The director may change the amount of the fee at the 54520  
times and in the increments the director considers necessary. Any 54521  
municipal corporation or county that receives an application shall 54522  
collect the application fee and remit the fee for deposit in the 54523  
state treasury to the credit of the ~~state enterprise zone program~~ 54524  
~~administration fund, which is hereby created. Money credited to~~ 54525  
~~the fund shall be used by the department of development to pay the~~ 54526

~~costs of administering the enterprise zone program, including the~~ 54527  
~~cost of reviewing the reports required under division (A) of this~~ 54528  
~~section tax incentive programs operating fund created in section~~ 54529  
~~122.174 of the Revised Code.~~ 54530

(D) On or before the thirtieth day of June each year, the 54531  
director of development shall certify to the tax commissioner the 54532  
information described under division (A)(7) of this section, 54533  
derived from the reports submitted to the director under this 54534  
section. 54535

On the basis of the information certified under this 54536  
division, the tax commissioner annually shall submit a report to 54537  
the governor, the speaker of the house of representatives, the 54538  
president of the senate, and the chairpersons of the ways and 54539  
means committees of the respective houses of the general assembly, 54540  
indicating for each enterprise zone the amount of state and local 54541  
taxes that were not required to be paid because of exemptions 54542  
granted under agreements entered into under section 5709.62, 54543  
5709.63, or 5709.632 of the Revised Code and the amount of 54544  
additional taxes paid from the payroll of new employees. 54545

**Sec. 5711.01.** As used in this chapter: 54546

(A)(1) "Taxable property" includes all the kinds of property 54547  
mentioned in division (B) of section 5709.01 and section 5709.02 54548  
of the Revised Code, and also the amount or value as of the date 54549  
of conversion of all taxable property converted into bonds or 54550  
other securities not taxed on or after the first day of November 54551  
in the year preceding the date of listing, and of all other 54552  
taxable property converted into deposits after the date as of 54553  
which deposits are required to be listed in such year, except in 54554  
the usual course of the taxpayer's business, to the extent the 54555  
taxpayer may hold or control such bonds, securities, or deposits 54556  
on such day, without deduction for indebtedness created in the 54557



purchase of such bonds or securities from the taxpayer's credits. 54558  
"Taxable property" does not include such investments and deposits 54559  
as are taxable at the source as provided in sections 5725.01 to 54560  
5725.26 of the Revised Code, surrender values under policies of 54561  
insurance, or any tangible personal property acquired from a 54562  
public utility or interexchange telecommunications company as 54563  
defined in section 5727.01 of the Revised Code and leased back to 54564  
the public utility or interexchange telecommunications company 54565  
pursuant to a sale and leaseback transaction as defined in 54566  
division (I) of section 5727.01 of the Revised Code. For tax year 54567  
2007 and thereafter, "taxable property" of a telephone, telegraph, 54568  
or interexchange telecommunications company, as defined in section 54569  
5727.01 of the Revised Code, includes property subject to such a 54570  
sale and leaseback transaction. 54571

(2) For tax year 2007 and thereafter, taxable property leased 54572  
to a telephone, telegraph, or interexchange telecommunications 54573  
company, as defined in section 5727.01 of the Revised Code, other 54574  
than pursuant to a sale and leaseback transaction, shall be listed 54575  
and assessed by the owner of the property as follows: 54576

(a) If the property leased to such a company is not governed 54577  
by division (C) of section 5711.22 of the Revised Code in tax 54578  
years 2007 and 2008, it shall be listed and assessed at the 54579  
percentage of true value in money required under division ~~(H)~~(G) 54580  
of section 5711.22 of the Revised Code. 54581

(b) All property leased to such a company in tax years 2009 54582  
and 2010 shall be listed and assessed at the percentage of true 54583  
value in money required under division (H) of section 5711.22 of 54584  
the Revised Code. 54585

(3) For tax years 2009 and 2010, the lessor of property 54586  
subject to division (A)(2) of this section shall have the true 54587  
value of the property the lessor leases to a telephone, telegraph, 54588  
or interexchange telecommunications company determined under 54589

divisions (A)(5) and (E) of section 5727.06 of the Revised Code. 54590

(B) "Taxpayer" means any owner of taxable property, including 54591  
property exempt under division (C) of section 5709.01 of the 54592  
Revised Code, and includes every person residing in, or 54593  
incorporated or organized by or under the laws of this state, or 54594  
doing business in this state, or owning or having a beneficial 54595  
interest in taxable personal property in this state and every 54596  
fiduciary required by sections 5711.01 to 5711.36 of the Revised 54597  
Code, to make a return for or on behalf of another. For tax year 54598  
2007 and thereafter, "taxpayer" includes telephone companies, 54599  
telegraph companies, and interexchange telecommunications company 54600  
as defined in section 5727.01 of the Revised Code. The tax 54601  
commissioner may by rule define and designate the taxpayer, as to 54602  
any taxable property which would not otherwise be required by this 54603  
section to be returned; and any such rule shall be considered 54604  
supplementary to the enumeration of kinds of taxpayers following: 54605

(1) Individuals of full age and sound mind residing in this 54606  
state; 54607

(2) Partnerships, corporations, associations, and joint-stock 54608  
companies, under whatever laws organized or existing, doing 54609  
business or having taxable property in this state; and 54610  
corporations incorporated by or organized under the laws of this 54611  
state, wherever their actual business is conducted; 54612

(3) Fiduciaries appointed by any court in this state or 54613  
having title, possession, or custody of taxable personal property 54614  
in this state or engaged in business in this state; 54615

(4) Unincorporated mutual funds. 54616

"Taxpayer" excludes all individuals, partnerships, 54617  
corporations, associations, and joint-stock companies, their 54618  
executors, administrators, and receivers who are defined in Title 54619  
LVII of the Revised Code as financial institutions, dealers in 54620

intangibles, domestic insurance companies, or public utilities, 54621  
except to the extent they may be required by sections 5711.01 to 54622  
5711.36 of the Revised Code, to make returns as fiduciaries, or by 54623  
section 5725.26 of the Revised Code, to make returns of property 54624  
leased, or held for the purpose of leasing, to others if the owner 54625  
or lessor of the property acquired it for the sole purpose of 54626  
leasing it to others or to the extent that property is taxable 54627  
under section 5725.25 of the Revised Code. 54628

(C) "Return" means the taxpayer's annual report of taxable 54629  
property. 54630

(D) "List" means the designation, in a return, of the 54631  
description of taxable property, the valuation or amount thereof, 54632  
the name of the owner, and the taxing district where assessable. 54633

(E) "Taxing district" means, in the case of property 54634  
assessable on the classified tax list and duplicate, a municipal 54635  
corporation or the territory in a county outside the limits of all 54636  
municipal corporations therein; in the case of property assessable 54637  
on the general tax list and duplicate, a municipal corporation or 54638  
township, or part thereof, in which the aggregate rate of taxation 54639  
is uniform. 54640

(F) "Assessor" includes the tax commissioner and the county 54641  
auditor as deputy of the commissioner. 54642

(G) "Fiduciary" includes executors, administrators, parents, 54643  
guardians, receivers, assignees, official custodians, factors, 54644  
bailees, lessees, agents, attorneys, and employees, but does not 54645  
include trustees unless the sense so requires. 54646

(H) "General tax list and duplicate" means the books or 54647  
records containing the assessments of property subject to local 54648  
tax levies. 54649

(I) "Classified tax list and duplicate" means the books or 54650  
records containing the assessments of property not subject to 54651

local tax levies. 54652

(J) "Investment company" means any corporation, the shares of 54653  
which are regularly offered for sale to the public, engaged solely 54654  
in the business of investing and reinvesting funds in real 54655  
property or investments, or holding or selling real property or 54656  
investments for the purpose of realizing income or profit which is 54657  
distributed to its shareholders. Investment company does not 54658  
include any dealer in intangibles, as defined in section 5725.01 54659  
of the Revised Code. 54660

(K) "Unincorporated mutual fund" means any partnership, each 54661  
partner of which is a corporation, engaged solely in the business 54662  
of investing and reinvesting funds in investments, or holding or 54663  
selling investments for the purpose of realizing income or profit 54664  
which is distributed to its partners and which is subject to 54665  
Chapter 1707. of the Revised Code. An unincorporated mutual fund 54666  
does not include any dealer in intangibles as defined in section 54667  
5725.01 of the Revised Code. 54668

**Sec. 5713.011.** If the county auditor determines under section 54669  
5713.01 of the Revised Code that the construction of a dwelling on 54670  
a previously vacant parcel of land is now available for use or 54671  
that an additional dwelling is constructed on a parcel of land and 54672  
is now available for use, the county auditor, by ordinary mail, 54673  
shall send to the owner of the dwelling a notice that the 54674  
applicant may apply for a reduction in taxes under division (A)(2) 54675  
of section 323.153 of the Revised Code. The notice shall be 54676  
substantially in the form of the notice prescribed under division 54677  
~~(C)(2)~~(A)(3)(b) of section 323.131 of the Revised Code. 54678

**Sec. 5725.24.** (A) As used in this section, "qualifying 54679  
dealer" means a dealer in intangibles that is a qualifying dealer 54680  
in intangibles as defined in section 5733.45 of the Revised Code 54681

or a member of a qualifying controlled group, as defined in 54682  
section 5733.04 of the Revised Code, of which an insurance company 54683  
also is a member on the first day of January of the year in and 54684  
for which the tax imposed by section 5707.03 of the Revised Code 54685  
is required to be paid by the dealer. 54686

(B) The taxes levied by section 5725.18 of the Revised Code 54687  
and collected pursuant to this chapter shall be paid into the 54688  
state treasury to the credit of the general revenue fund. 54689

(C) The taxes levied by section 5707.03 of the Revised Code 54690  
on the value of shares in and capital employed by dealers in 54691  
intangibles other than those that are qualifying dealers shall be 54692  
for the use of the general revenue fund of the state and the local 54693  
government funds of the several counties in which the taxes 54694  
originate as provided in this division. 54695

~~On or before the first day of~~ During each month ~~on~~ for which 54696  
there is money in the state treasury for disbursement under this 54697  
division, the tax commissioner shall provide for payment to the 54698  
county treasurer of each county of five-eighths of the amount of 54699  
the taxes collected on account of shares in and capital employed 54700  
by dealers in intangibles other than those that are qualifying 54701  
dealers, representing capital employed in the county. The balance 54702  
of the money received and credited on account of taxes assessed on 54703  
shares in and capital employed by such dealers in intangibles 54704  
shall be credited to the general revenue fund. 54705

Reductions in the amount of taxes collected on account of 54706  
credits allowed under section 5725.151 of the Revised Code shall 54707  
be applied to reduce the amount credited to the general revenue 54708  
fund and shall not be applied to reduce the amount to be credited 54709  
to the undivided local government funds of the counties in which 54710  
such taxes originate. 54711

For the purpose of this division, such taxes are deemed to 54712

originate in the counties in which such dealers in intangibles 54713  
have their offices. 54714

Money received into the treasury of a county pursuant to this 54715  
section shall be credited to the undivided local government fund 54716  
of the county and shall be distributed by the budget commission as 54717  
provided by law. 54718

(D) All of the taxes levied under section 5707.03 of the 54719  
Revised Code on the value of the shares in and capital employed by 54720  
dealers in intangibles that are qualifying dealers shall be paid 54721  
into the state treasury to the credit of the general revenue fund. 54722

**Sec. 5727.06.** (A) Except as otherwise provided by law, the 54723  
following constitutes the taxable property of a public utility, 54724  
interexchange telecommunications company, or public utility 54725  
property lessor that shall be assessed by the tax commissioner: 54726

(1) For tax years before tax year 2006: 54727

(a) In the case of a railroad company, all real property and 54728  
tangible personal property owned or operated by the railroad 54729  
company in this state on the thirty-first day of December of the 54730  
preceding year; 54731

(b) In the case of a water transportation company, all 54732  
tangible personal property, except watercraft, owned or operated 54733  
by the water transportation company in this state on the 54734  
thirty-first day of December of the preceding year and all 54735  
watercraft owned or operated by the water transportation company 54736  
in this state during the preceding calendar year; 54737

(c) In the case of all other public utilities and 54738  
interexchange telecommunications companies, all tangible personal 54739  
property that on the thirty-first day of December of the preceding 54740  
year was both located in this state and: 54741

(i) Owned by the public utility or interexchange 54742

telecommunications company; or	54743
(ii) Leased by the public utility or interexchange	54744
telecommunications company under a sale and leaseback transaction.	54745
(2) For tax years 2006, 2007, and 2008:	54746
(a) In the case of a railroad company, all real property used	54747
in railroad operations and tangible personal property owned or	54748
operated by the railroad company in this state on the thirty-first	54749
day of December of the preceding year;	54750
(b) In the case of a water transportation company, all	54751
tangible personal property, except watercraft, owned or operated	54752
by the water transportation company in this state on the	54753
thirty-first day of December of the preceding year and all	54754
watercraft owned or operated by the water transportation company	54755
in this state during the preceding calendar year;	54756
(c) In the case of all other public utilities except	54757
telephone and telegraph companies, all tangible personal property	54758
that on the thirty-first day of December of the preceding year was	54759
both located in this state and either owned by the public utility	54760
or leased by the public utility under a sale and leaseback	54761
transaction.	54762
(3) For tax year 2009 and each tax year thereafter:	54763
(a) In the case of a railroad company, all real property used	54764
in railroad operations and tangible personal property owned or	54765
operated by the railroad company in this state on the thirty-first	54766
day of December of the preceding year;	54767
(b) In the case of a water transportation company, all	54768
tangible personal property, except watercraft, owned or operated	54769
by the water transportation company in this state on the	54770
thirty-first day of December of the preceding year and all	54771
watercraft owned or operated by the water transportation company	54772

in this state during the preceding calendar year; 54773

(c) In the case of all other public utilities except 54774  
telephone and telegraph companies, all tangible personal property 54775  
that on the thirty-first day of December of the preceding year was 54776  
both located in this state and either owned by the public utility 54777  
or leased by the public utility under a sale and leaseback 54778  
transaction; 54779

(d) In the case of a public utility property lessor, all 54780  
personal property that on the thirty-first day of December of the 54781  
preceding year was both located in this state and leased, in other 54782  
than a sale and leaseback transaction, to a public utility other 54783  
than a railroad, telephone, telegraph, or water transportation 54784  
company. The assessment rate used under section 5727.111 of the 54785  
Revised Code shall be based on the assessment rate that would 54786  
apply if the public utility owned the property. 54787

(4) For tax years 2005 and 2006, in the case of telephone, 54788  
telegraph, or interexchange telecommunications companies, all 54789  
tangible personal property that on the thirty-first day of 54790  
December of the preceding year was both located in this state and 54791  
either owned by the telephone, telegraph, or interexchange 54792  
telecommunications company or leased by the telephone, telegraph, 54793  
or interexchange telecommunications company under a sale and 54794  
leaseback transaction. 54795

(5)(a) For tax year 2007 and thereafter, in the case of 54796  
telephone, telegraph, or interexchange telecommunications 54797  
companies, all tangible personal property shall be listed and 54798  
assessed for taxation under Chapter 5711. of the Revised Code, but 54799  
the tangible personal property shall be valued in accordance with 54800  
this chapter using the composite annual allowances and other 54801  
valuation procedures prescribed under section 5727.11 of the 54802  
Revised Code by the tax commissioner for such property for tax 54803  
year 2006, notwithstanding any section of Chapter 5711. of the 54804



Revised Code to the contrary. 54805

(b) A telephone, telegraph, or interexchange telecommunications company subject to division (A)(5)(a) of this section shall file a combined return with the tax commissioner in accordance with section 5711.13 of the Revised Code even if the company has tangible personal property in only one county. Such a company also is subject to the issuance of a preliminary assessment certificate by the tax commissioner under section 5711.25 of the Revised Code. Such a company is not required to file a county supplemental return under section 5711.131 of the Revised Code. 54806  
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(B) This division applies to tax years before tax year 2007. 54816

In the case of an interexchange telecommunications company, 54817  
all taxable property shall be subject to the provisions of this 54818  
chapter and shall be valued by the commissioner in accordance with 54819  
division (A) of section 5727.11 of the Revised Code. A person 54820  
described by this division shall file the report required by 54821  
section 5727.08 of the Revised Code. Persons described in this 54822  
division shall not be considered taxpayers, as defined in division 54823  
(B) of section 5711.01 of the Revised Code, and shall not be 54824  
required to file a return and list their taxable property under 54825  
any provision of Chapter 5711. of the Revised Code. 54826

(C) The lien of the state for taxes levied each year on the 54827  
real and personal property of public utilities and interexchange 54828  
telecommunications companies and on the personal property of 54829  
public utility property lessors shall attach thereto on the 54830  
thirty-first day of December of the preceding year. 54831

(D) Property that is required by division (A)(3)(b) of this 54832  
section to be assessed by the tax commissioner under this chapter 54833  
shall not be listed by the owner of the property under Chapter 54834  
5711. of the Revised Code. 54835

(E) The ten-thousand-dollar exemption provided for in 54836  
division (C)(3) of section 5709.01 of the Revised Code does not 54837  
apply to any personal property that is valued under this chapter. 54838

(F) The tax commissioner may adopt rules governing the 54839  
listing of the taxable property of public utilities and 54840  
interexchange telecommunications companies and the determination 54841  
of true value. 54842

**Sec. 5727.45.** ~~Four and two tenths~~ One hundred per cent of all 54843  
excise taxes and penalties collected under sections 5727.01 to 54844  
5727.62 of the Revised Code shall be credited to ~~the local~~ 54845  
~~government fund for distribution in accordance with section~~ 54846  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 54847  
~~credited to the local government revenue assistance fund for~~ 54848  
~~distribution in accordance with section 5747.61 of the Revised~~ 54849  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 54850  
the general revenue fund. 54851

**Sec. 5727.81.** (A) For the purpose of raising revenue for 54852  
public education and state and local government operations, an 54853  
excise tax is hereby levied and imposed on an electric 54854  
distribution company for all electricity distributed by such 54855  
company ~~beginning with the measurement period that includes May 1,~~ 54856  
~~2001,~~ at the following rates per kilowatt hour of electricity 54857  
distributed in a thirty-day period by the company through a meter 54858  
of an end user in this state: 54859

KILOWATT HOURS DISTRIBUTED	RATE PER	54860
TO AN END USER	KILOWATT HOUR	54861
For the first 2,000	\$.00465	54862
For the next 2,001 to 15,000	\$.00419	54863
For 15,001 and above	\$.00363	54864

If no meter is used to measure the kilowatt hours of 54865

electricity distributed by the company, the rates shall apply to 54866  
the estimated kilowatt hours of electricity distributed to an 54867  
unmetered location in this state. 54868

The electric distribution company shall base the monthly tax 54869  
on the kilowatt hours of electricity distributed to an end user 54870  
through the meter of the end user that is not measured for a 54871  
thirty-day period by dividing the days in the measurement period 54872  
into the total kilowatt hours measured during the measurement 54873  
period to obtain a daily average usage. The tax shall be 54874  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 54875  
of this section and multiplying that amount by the number of days 54876  
in the measurement period: 54877

(1) Multiplying \$0.00465 per kilowatt hour for the first 54878  
sixty-seven kilowatt hours distributed using a daily average; 54879

(2) Multiplying \$0.00419 for the next sixty-eight to five 54880  
hundred kilowatt hours distributed using a daily average; 54881

(3) Multiplying \$0.00363 for the remaining kilowatt hours 54882  
distributed using a daily average. 54883

~~Until January 1, 2003, except as provided in division (C) of~~ 54884  
~~this section, the electric distribution company shall pay the tax~~ 54885  
~~to the treasurer of state in accordance with section 5727.82 of~~ 54886  
~~the Revised Code. Beginning January 1, 2003, except Except as~~ 54887  
provided in division (C) of this section, the electric 54888  
distribution company shall pay the tax to the tax commissioner in 54889  
accordance with section 5727.82 of the Revised Code, unless 54890  
required to remit each tax payment by electronic funds transfer to 54891  
the treasurer of state in accordance with section 5727.83 of the 54892  
Revised Code. 54893

Only the distribution of electricity through a meter of an 54894  
end user in this state shall be used by the electric distribution 54895  
company to compute the amount or estimated amount of tax due. In 54896

the event a meter is not actually read for a measurement period, 54897  
the estimated kilowatt hours distributed by an electric 54898  
distribution company to bill for its distribution charges shall be 54899  
used. 54900

(B) Except as provided in division (C) of this section, each 54901  
electric distribution company shall pay the tax imposed by this 54902  
section in all of the following circumstances: 54903

(1) The electricity is distributed by the company through a 54904  
meter of an end user in this state; 54905

(2) The company is distributing electricity through a meter 54906  
located in another state, but the electricity is consumed in this 54907  
state in the manner prescribed by the tax commissioner; 54908

(3) The company is distributing electricity in this state 54909  
without the use of a meter, but the electricity is consumed in 54910  
this state as estimated and in the manner prescribed by the tax 54911  
commissioner. 54912

(C)(1) As used in division (C) of this section: 54913

(a) "Total price of electricity" means the aggregate value in 54914  
money of anything paid or transferred, or promised to be paid or 54915  
transferred, to obtain electricity or electric service, including 54916  
but not limited to the value paid or promised to be paid for the 54917  
transmission or distribution of electricity and for transition 54918  
costs as described in Chapter 4928. of the Revised Code. 54919

(b) "Package" means the provision or the acquisition, at a 54920  
combined price, of electricity with other services or products, or 54921  
any combination thereof, such as natural gas or other fuels; 54922  
energy management products, software, and services; machinery and 54923  
equipment acquisition; and financing agreements. 54924

(c) "Single location" means a facility located on contiguous 54925  
property separated only by a roadway, railway, or waterway. 54926

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. Such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and ~~four per cent~~ a percentage of the total price of all electricity distributed to that meter or location equal to four per cent through the meter reading period that includes June 30, 2008, and three and one-half per cent beginning for the meter reading period including July 1, 2008, and thereafter. A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process. ~~Until January 1, 2003, payment of the tax shall be made directly to the treasurer of state in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code. Beginning January 1, 2003, payment~~

Payment of the tax shall be made directly to the tax commissioner in accordance with divisions (A)(4) and (5) of

section 5727.82 of the Revised Code, or the treasurer of state in 54960  
accordance with section 5727.83 of the Revised Code. If the 54961  
electric distribution company serving the self-assessing purchaser 54962  
is a municipal electric utility and the purchaser is within the 54963  
municipal corporation's corporate limits, payment shall be made to 54964  
such municipal corporation's general fund and reports shall be 54965  
filed in accordance with divisions (A)(4) and (5) of section 54966  
5727.82 of the Revised Code, except that "municipal corporation" 54967  
shall be substituted for "treasurer of state" and "tax 54968  
commissioner." A self-assessing purchaser that pays the excise tax 54969  
as provided in this division shall not be required to pay the tax 54970  
to the electric distribution company from which its electricity is 54971  
distributed. If a self-assessing purchaser's receipt of 54972  
electricity is not subject to the tax as measured under this 54973  
division, the tax on the receipt of such electricity shall be 54974  
measured and paid as provided in division (A) of this section. 54975

(3) In the case of the acquisition of a package, unless the 54976  
elements of the package are separately stated isolating the total 54977  
price of electricity from the price of the remaining elements of 54978  
the package, the tax imposed under this section applies to the 54979  
entire price of the package. If the elements of the package are 54980  
separately stated, the tax imposed under this section applies to 54981  
the total price of the electricity. 54982

(4) Any electric supplier that sells electricity as part of a 54983  
package shall separately state to the purchaser the total price of 54984  
the electricity and, upon request by the tax commissioner, the 54985  
total price of each of the other elements of the package. 54986

(5) The tax commissioner may adopt rules relating to the 54987  
computation of the total price of electricity with respect to 54988  
self-assessing purchasers, which may include rules to establish 54989  
the total price of electricity purchased as part of a package. 54990

(6) An annual application for registration as a 54991

self-assessing purchaser shall be made for each qualifying meter 54992  
or location on a form prescribed by the tax commissioner. The 54993  
registration year begins on the first day of May and ends on the 54994  
following thirtieth day of April. Persons may apply after the 54995  
first day of May for the remainder of the registration year. In 54996  
the case of an applicant applying on the basis of an estimated 54997  
consumption of forty-five million kilowatt hours over the course 54998  
of the succeeding twelve months, the applicant shall provide such 54999  
information as the tax commissioner considers to be necessary to 55000  
estimate such consumption. At the time of making the application 55001  
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 55002  
self-assessing purchaser shall pay a fee of five hundred dollars 55003  
to the tax commissioner, or to the treasurer of state as provided 55004  
in section 5727.83 of the Revised Code, for each qualifying meter 55005  
or location. The tax commissioner shall immediately pay to the 55006  
treasurer of state all amounts that the tax commissioner receives 55007  
under this section. The treasurer of state shall deposit such 55008  
amounts into the kilowatt hour excise tax administration fund, 55009  
which is hereby created in the state treasury. Money in the fund 55010  
shall be used to defray the tax commissioner's cost in 55011  
administering the tax owed under section 5727.81 of the Revised 55012  
Code by self-assessing purchasers. After the application is 55013  
approved by the tax commissioner, the registration shall remain in 55014  
effect for the current registration year, or until canceled by the 55015  
registrant upon written notification to the commissioner of the 55016  
election to pay the tax in accordance with division (A) of this 55017  
section, or until canceled by the tax commissioner for not paying 55018  
the tax or fee under division (C) of this section or for not 55019  
meeting the qualifications in division (C)(2) of this section. The 55020  
tax commissioner shall give written notice to the electric 55021  
distribution company from which electricity is delivered to a 55022  
self-assessing purchaser of the purchaser's self-assessing status, 55023  
and the electric distribution company is relieved of the 55024

obligation to pay the tax imposed by division (A) of this section 55025  
for electricity distributed to that self-assessing purchaser until 55026  
it is notified by the tax commissioner that the self-assessing 55027  
purchaser's registration is canceled. Within fifteen days of 55028  
notification of the canceled registration, the electric 55029  
distribution company shall be responsible for payment of the tax 55030  
imposed by division (A) of this section on electricity distributed 55031  
to a purchaser that is no longer registered as a self-assessing 55032  
purchaser. A self-assessing purchaser with a canceled registration 55033  
must file a report and remit the tax imposed by division (A) of 55034  
this section on all electricity it receives for any measurement 55035  
period prior to the tax being reported and paid by the electric 55036  
distribution company. A self-assessing purchaser whose 55037  
registration is canceled by the tax commissioner is not eligible 55038  
to register as a self-assessing purchaser for two years after the 55039  
registration is canceled. 55040

(7) If the tax commissioner cancels the self-assessing 55041  
registration of a purchaser registered on the basis of its 55042  
estimated consumption because the purchaser does not consume at 55043  
least forty-five million kilowatt hours of electricity over the 55044  
course of the twelve-month period for which the estimate was made, 55045  
the tax commissioner shall assess and collect from the purchaser 55046  
the difference between (a) the amount of tax that would have been 55047  
payable under division (A) of this section on the electricity 55048  
distributed to the purchaser during that period and (b) the amount 55049  
of tax paid by the purchaser on such electricity pursuant to 55050  
division (C)(2)(a) of this section. The assessment shall be paid 55051  
within sixty days after the tax commissioner issues it, regardless 55052  
of whether the purchaser files a petition for reassessment under 55053  
section 5727.89 of the Revised Code covering that period. If the 55054  
purchaser does not pay the assessment within the time prescribed, 55055  
the amount assessed is subject to the additional charge and the 55056  
interest prescribed by divisions (B) and (C) of section 5727.82 of 55057



the Revised Code, and is subject to assessment under section 55058  
5727.89 of the Revised Code. If the purchaser is a qualified end 55059  
user, division (C)(7) of this section applies only to electricity 55060  
it consumes in other than its qualifying manufacturing process. 55061

(D) The tax imposed by this section does not apply to the 55062  
distribution of any kilowatt hours of electricity to the federal 55063  
government, to an end user located at a federal facility that uses 55064  
electricity for the enrichment of uranium, to a qualified 55065  
regeneration meter, or to an end user for any day the end user is 55066  
a qualified end user. The exemption under this division for a 55067  
qualified end user only applies to the manufacturing location 55068  
where the qualified end user uses more than three million kilowatt 55069  
hours per day in a qualifying manufacturing process. 55070

**Sec. 5727.84.** (A) As used in this section and sections 55071  
5727.85, 5727.86, and 5727.87 of the Revised Code: 55072

(1) "School district" means a city, local, or exempted 55073  
village school district. 55074

(2) "Joint vocational school district" means a joint 55075  
vocational school district created under section 3311.16 of the 55076  
Revised Code, and includes a cooperative education school district 55077  
created under section 3311.52 or 3311.521 of the Revised Code and 55078  
a county school financing district created under section 3311.50 55079  
of the Revised Code. 55080

(3) "Local taxing unit" means a subdivision or taxing unit, 55081  
as defined in section 5705.01 of the Revised Code, a park district 55082  
created under Chapter 1545. of the Revised Code, or a township 55083  
park district established under section 511.23 of the Revised 55084  
Code, but excludes school districts and joint vocational school 55085  
districts. 55086

(4) "State education aid," for a school district, means the 55087

sum of state aid amounts computed for the district under divisions 55088  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 55089  
divisions (B), (C), and (D) of section 3317.023; divisions (G), 55090  
(L), and (N) of section 3317.024; and sections 3317.029, 55091  
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 55092  
the Revised Code; and the adjustments required by: division (C) of 55093  
section 3310.08; division (C)(2) of section 3310.41; section 55094  
3310.55; division (C) of section 3314.08; division (D) of section 55095  
3314.13; divisions (E), (K), (L), (M), (N), and (O) of section 55096  
3317.023; division (C) of section 3317.20; and sections 3313.979 55097  
and 3313.981 of the Revised Code. However, when calculating state 55098  
education aid for a school district for fiscal years ~~2006~~ 2008 and 55099  
~~2007~~ 2009, include the amount computed for the district under 55100  
Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 of the ~~126th~~ 55101  
127th general assembly, as subsequently amended, instead of 55102  
division (D) of section 3317.022 of the Revised Code; and include 55103  
amounts calculated under Section ~~206.09.39~~ 269.30.80 of ~~that~~ this 55104  
act, as subsequently amended; ~~and account for adjustments under~~ 55105  
~~division (C)(2) of section 3310.41 of the Revised Code.~~ 55106

(5) "State education aid," for a joint vocational school 55107  
district, means the sum of the state aid amounts computed for the 55108  
district under division (N) of section 3317.024 and section 55109  
3317.16 of the Revised Code. However, when calculating state 55110  
education aid for a joint vocational school district for fiscal 55111  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 55112  
district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 55113  
of the ~~126th~~ 127th general assembly, as subsequently amended. 55114

(6) "State education aid offset" means the amount determined 55115  
for each school district or joint vocational school district under 55116  
division (A)(1) of section 5727.85 of the Revised Code. 55117

(7) "Recognized valuation" has the same meaning as in section 55118  
3317.02 of the Revised Code. 55119

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	55120 55121
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	55122 55123
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	55124 55125
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	55126 55127
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	55128 55129
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	55130 55131 55132 55133 55134
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	55135 55136
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	55137 55138 55139
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	55140 55141 55142 55143
(1) <del>Fifty-nine and nine hundred seventy-six one thousandths</del> <u>Sixty-three</u> per cent <sup>7</sup> , shall be credited to the general revenue fund.	55144 55145 55146
(2) <del>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.</del>	55147 55148 55149

~~(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.~~ 55150  
55151  
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(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. 55154  
55155  
55156  
55157

~~(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. 55158  
55159  
55160  
55161

(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: 55162  
55163  
55164  
55165

(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. 55166  
55167  
55168  
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(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. 55170  
55171  
55172  
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(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: 55174  
55175  
55176  
55177

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 55178  
55179  
55180

(a) The value of electric company and rural electric company  
tangible personal property as assessed by the tax commissioner for  
tax year 1998 on a preliminary assessment, or an amended  
preliminary assessment if issued prior to March 1, 1999, and as  
apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company  
tangible personal property as assessed by the tax commissioner for  
tax year 1998 had the property been apportioned to the taxing  
district for tax year 2001, and assessed at the rates in effect  
for tax year 2001.

(2) The difference obtained by subtracting the amount  
described in division (D)(2)(b) from the amount described in  
division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998  
of the assessed value from nuclear fuel materials and assemblies  
assessed against a person under Chapter 5711. of the Revised Code  
from the leasing of them to an electric company for those  
respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel  
materials and assemblies assessed under division (D)(2)(a) of this  
section for tax years 1996, 1997, and 1998, as reflected in the  
preliminary assessments, using an assessment rate of twenty-five  
per cent.

(3) In the case of a taxing district having a nuclear power  
plant within its territory, any amount, resulting in an electric  
company tax value loss, obtained by subtracting the amount  
described in division (D)(1) of this section from the difference  
obtained by subtracting the amount described in division (D)(3)(b)  
of this section from the amount described in division (D)(3)(a) of  
this section.

(a) The value of electric company tangible personal property

as assessed by the tax commissioner for tax year 2000 on a 55212  
preliminary assessment, or an amended preliminary assessment if 55213  
issued prior to March 1, 2001, and as apportioned to the taxing 55214  
district for tax year 2000; 55215

(b) The value of electric company tangible personal property 55216  
as assessed by the tax commissioner for tax year 2001 on a 55217  
preliminary assessment, or an amended preliminary assessment if 55218  
issued prior to March 1, 2002, and as apportioned to the taxing 55219  
district for tax year 2001. 55220

(4) In the case of a taxing district having a nuclear power 55221  
plant within its territory, the difference obtained by subtracting 55222  
the amount described in division (D)(4)(b) of this section from 55223  
the amount described in division (D)(4)(a) of this section, 55224  
provided that such difference is greater than ten per cent of the 55225  
amount described in division (D)(4)(a) of this section. 55226

(a) The value of electric company tangible personal property 55227  
as assessed by the tax commissioner for tax year 2005 on a 55228  
preliminary assessment, or an amended preliminary assessment if 55229  
issued prior to March 1, 2006, and as apportioned to the taxing 55230  
district for tax year 2005; 55231

(b) The value of electric company tangible personal property 55232  
as assessed by the tax commissioner for tax year 2006 on a 55233  
preliminary assessment, or an amended preliminary assessment if 55234  
issued prior to March 1, 2007, and as apportioned to the taxing 55235  
district for tax year 2006. 55236

(E) Not later than January 1, 2002, the tax commissioner 55237  
shall determine for each taxing district its natural gas company 55238  
tax value loss, which is the sum of the amounts described in 55239  
divisions (E)(1) and (2) of this section: 55240

(1) The difference obtained by subtracting the amount 55241  
described in division (E)(1)(b) from the amount described in 55242

division (E)(1)(a) of this section. 55243

(a) The value of all natural gas company tangible personal 55244  
property, other than property described in division (E)(2) of this 55245  
section, as assessed by the tax commissioner for tax year 1999 on 55246  
a preliminary assessment, or an amended preliminary assessment if 55247  
issued prior to March 1, 2000, and apportioned to the taxing 55248  
district for tax year 1999; 55249

(b) The value of all natural gas company tangible personal 55250  
property, other than property described in division (E)(2) of this 55251  
section, as assessed by the tax commissioner for tax year 1999 had 55252  
the property been apportioned to the taxing district for tax year 55253  
2001, and assessed at the rates in effect for tax year 2001. 55254

(2) The difference in the value of current gas obtained by 55255  
subtracting the amount described in division (E)(2)(b) from the 55256  
amount described in division (E)(2)(a) of this section. 55257

(a) The three-year average assessed value of current gas as 55258  
assessed by the tax commissioner for tax years 1997, 1998, and 55259  
1999 on a preliminary assessment, or an amended preliminary 55260  
assessment if issued prior to March 1, 2001, and as apportioned in 55261  
the taxing district for those respective years; 55262

(b) The three-year average assessed value from current gas 55263  
under division (E)(2)(a) of this section for tax years 1997, 1998, 55264  
and 1999, as reflected in the preliminary assessment, using an 55265  
assessment rate of twenty-five per cent. 55266

(F) The tax commissioner may request that natural gas 55267  
companies, electric companies, and rural electric companies file a 55268  
report to help determine the tax value loss under divisions (D) 55269  
and (E) of this section. The report shall be filed within thirty 55270  
days of the commissioner's request. A company that fails to file 55271  
the report or does not timely file the report is subject to the 55272  
penalty in section 5727.60 of the Revised Code. 55273

(G) Not later than January 1, 2002, the tax commissioner 55274  
shall determine for each school district, joint vocational school 55275  
district, and local taxing unit its fixed-rate levy loss, which is 55276  
the sum of its electric company tax value loss multiplied by the 55277  
tax rate in effect in tax year 1998 for fixed-rate levies and its 55278  
natural gas company tax value loss multiplied by the tax rate in 55279  
effect in tax year 1999 for fixed-rate levies. 55280

(H) Not later than January 1, 2002, the tax commissioner 55281  
shall determine for each school district, joint vocational school 55282  
district, and local taxing unit its fixed-sum levy loss, which is 55283  
the amount obtained by subtracting the amount described in 55284  
division (H)(2) of this section from the amount described in 55285  
division (H)(1) of this section: 55286

(1) The sum of the electric company tax value loss multiplied 55287  
by the tax rate in effect in tax year 1998, and the natural gas 55288  
company tax value loss multiplied by the tax rate in effect in tax 55289  
year 1999, for fixed-sum levies for all taxing districts within 55290  
each school district, joint vocational school district, and local 55291  
taxing unit. For the years 2002 through 2006, this computation 55292  
shall include school district emergency levies that existed in 55293  
1998 in the case of the electric company tax value loss, and 1999 55294  
in the case of the natural gas company tax value loss, and all 55295  
other fixed-sum levies that existed in 1998 in the case of the 55296  
electric company tax value loss and 1999 in the case of the 55297  
natural gas company tax value loss and continue to be charged in 55298  
the tax year preceding the distribution year. For the years 2007 55299  
through 2016 in the case of school district emergency levies, and 55300  
for all years after 2006 in the case of all other fixed-sum 55301  
levies, this computation shall exclude all fixed-sum levies that 55302  
existed in 1998 in the case of the electric company tax value loss 55303  
and 1999 in the case of the natural gas company tax value loss, 55304  
but are no longer in effect in the tax year preceding the 55305



distribution year. For the purposes of this section, an emergency 55306  
levy that existed in 1998 in the case of the electric company tax 55307  
value loss, and 1999 in the case of the natural gas company tax 55308  
value loss, continues to exist in a year beginning on or after 55309  
January 1, 2007, but before January 1, 2017, if, in that year, the 55310  
board of education levies a school district emergency levy for an 55311  
annual sum at least equal to the annual sum levied by the board in 55312  
tax year 1998 or 1999, respectively, less the amount of the 55313  
payment certified under this division for 2002. 55314

(2) The total taxable value in tax year 1999 less the tax 55315  
value loss in each school district, joint vocational school 55316  
district, and local taxing unit multiplied by one-fourth of one 55317  
mill. 55318

If the amount computed under division (H) of this section for 55319  
any school district, joint vocational school district, or local 55320  
taxing unit is greater than zero, that amount shall equal the 55321  
fixed-sum levy loss reimbursed pursuant to division (E) of section 55322  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 55323  
of the Revised Code, and the one-fourth of one mill that is 55324  
subtracted under division (H)(2) of this section shall be 55325  
apportioned among all contributing fixed-sum levies in the 55326  
proportion of each levy to the sum of all fixed-sum levies within 55327  
each school district, joint vocational school district, or local 55328  
taxing unit. 55329

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 55330  
section, in computing the tax value loss, fixed-rate levy loss, 55331  
and fixed-sum levy loss, the tax commissioner shall use the 55332  
greater of the 1998 tax rate or the 1999 tax rate in the case of 55333  
levy losses associated with the electric company tax value loss, 55334  
but the 1999 tax rate shall not include for this purpose any tax 55335  
levy approved by the voters after June 30, 1999, and the tax 55336  
commissioner shall use the greater of the 1999 or the 2000 tax 55337

rate in the case of levy losses associated with the natural gas 55338  
company tax value loss. 55339

(J) Not later than January 1, 2002, the tax commissioner 55340  
shall certify to the department of education the tax value loss 55341  
determined under divisions (D) and (E) of this section for each 55342  
taxing district, the fixed-rate levy loss calculated under 55343  
division (G) of this section, and the fixed-sum levy loss 55344  
calculated under division (H) of this section. The calculations 55345  
under divisions (G) and (H) of this section shall separately 55346  
display the levy loss for each levy eligible for reimbursement. 55347

(K) Not later than September 1, 2001, the tax commissioner 55348  
shall certify the amount of the fixed-sum levy loss to the county 55349  
auditor of each county in which a school district with a fixed-sum 55350  
levy loss has territory. 55351

**Sec. 5727.85.** (A) By the thirty-first day of July of each 55352  
year, beginning in 2002 and ending in 2016, the department of 55353  
education shall determine the following for each school district 55354  
and each joint vocational school district eligible for payment 55355  
under division (C) or (D) of this section: 55356

(1) The state education aid offset, which is the difference 55357  
obtained by subtracting the amount described in division (A)(1)(b) 55358  
of this section from the amount described in division (A)(1)(a) of 55359  
this section: 55360

(a) The state education aid computed for the school district 55361  
or joint vocational school district for the current fiscal year as 55362  
of the thirty-first day of July; 55363

(b) The state education aid that would be computed for the 55364  
school district or joint vocational school district for the 55365  
current fiscal year as of the thirty-first day of July if the 55366  
recognized valuation included the tax value loss for the school 55367

district or joint vocational school district. 55368

(2) The greater of zero or the difference obtained by 55369  
subtracting the state education aid offset determined under 55370  
division (A)(1) of this section from the fixed-rate levy loss 55371  
certified under division (J) of section 5727.84 of the Revised 55372  
Code for all taxing districts in each school district and joint 55373  
vocational school district. 55374

By the fifth day of August of each such year, the department 55375  
of education shall certify the amount so determined under division 55376  
(A)(1) of this section to the director of budget and management. 55377

(B) Not later than the thirty-first day of October of the 55378  
years 2006 through 2016, the department of education shall 55379  
determine all of the following for each school district: 55380

(1) The amount obtained by subtracting the district's state 55381  
education aid computed for fiscal year 2002 from the district's 55382  
state education aid computed for the current fiscal year; 55383

(2) The inflation-adjusted property tax loss. The 55384  
inflation-adjusted property tax loss equals the fixed-rate levy 55385  
loss, excluding the tax loss from levies within the ten-mill 55386  
limitation to pay debt charges, determined under division (G) of 55387  
section 5727.84 of the Revised Code for all taxing districts in 55388  
each school district, plus the product obtained by multiplying 55389  
that loss by the cumulative percentage increase in the consumer 55390  
price index from January 1, 2002, to the thirtieth day of June of 55391  
the current year. 55392

(3) The difference obtained by subtracting the amount 55393  
computed under division (B)(1) from the amount of the 55394  
inflation-adjusted property tax loss. If this difference is zero 55395  
or a negative number, no further payments shall be made under 55396  
division (C) of this section to the school district from the 55397  
school district property tax replacement fund. 55398

(C) The department of education shall pay from the school 55399  
district property tax replacement fund to each school district all 55400  
of the following: 55401

(1) In February 2002, one-half of the fixed-rate levy loss 55402  
certified under division (J) of section 5727.84 of the Revised 55403  
Code between the twenty-first and twenty-eighth days of February. 55404

(2) From August 2002 through August 2017, one-half of the 55405  
amount calculated for that fiscal year under division (A)(2) of 55406  
this section between the twenty-first and twenty-eighth days of 55407  
August and of February, provided the difference computed under 55408  
division (B)(3) of this section is not less than or equal to zero. 55409

For taxes levied within the ten-mill limitation for debt 55410  
purposes in tax year 1998 in the case of electric company tax 55411  
value losses, and in tax year 1999 in the case of natural gas 55412  
company tax value losses, payments shall be made equal to one 55413  
hundred per cent of the loss computed as if the tax were a 55414  
fixed-rate levy, but those payments shall extend from fiscal year 55415  
2006 through fiscal year 2016. 55416

The department of education shall report to each school 55417  
district the apportionment of the payments among the school 55418  
district's funds based on the certifications under division (J) of 55419  
section 5727.84 of the Revised Code. 55420

(D) Not later than January 1, 2002, for all taxing districts 55421  
in each joint vocational school district, the tax commissioner 55422  
shall certify to the department of education the fixed-rate levy 55423  
loss determined under division (G) of section 5727.84 of the 55424  
Revised Code. From February 2002 to August 2016, the department 55425  
shall pay from the school district property tax replacement fund 55426  
to the joint vocational school district one-half of the amount 55427  
calculated for that fiscal year under division (A)(2) of this 55428  
section between the twenty-first and twenty-eighth days of August 55429

and of February. 55430

(E)(1) Not later than January 1, 2002, for each fixed-sum 55431  
levy levied by each school district or joint vocational school 55432  
district and for each year for which a determination is made under 55433  
division (H) of section 5727.84 of the Revised Code that a 55434  
fixed-sum levy loss is to be reimbursed, the tax commissioner 55435  
shall certify to the department of education the fixed-sum levy 55436  
loss determined under that division. The certification shall cover 55437  
a time period sufficient to include all fixed-sum levies for which 55438  
the tax commissioner made such a determination. The department 55439  
shall pay from the school district property tax replacement fund 55440  
to the school district or joint vocational school district 55441  
one-half of the fixed-sum levy loss so certified for each year 55442  
between the twenty-first and twenty-eighth days of August and of 55443  
February. 55444

(2) Beginning in 2003, by the thirty-first day of January of 55445  
each year, the tax commissioner shall review the certification 55446  
originally made under division (E)(1) of this section. If the 55447  
commissioner determines that a debt levy that had been scheduled 55448  
to be reimbursed in the current year has expired, a revised 55449  
certification for that and all subsequent years shall be made to 55450  
the department of education. 55451

(F) If the balance of the half-mill equalization fund created 55452  
under section 3318.18 of the Revised Code is insufficient to make 55453  
the full amount of payments required under division (D) of that 55454  
section, the department of education, at the end of the third 55455  
quarter of the fiscal year, shall certify to the director of 55456  
budget and management the amount of the deficiency, and the 55457  
director shall transfer an amount equal to the deficiency from the 55458  
school district property tax replacement fund to the half-mill 55459  
equalization fund. 55460

(G) Beginning in August 2002, and ending in May 2017, the 55461

director of budget and management shall transfer from the school 55462  
district property tax replacement fund to the general revenue fund 55463  
each of the following: 55464

(1) Between the twenty-eighth day of August and the fifth day 55465  
of September, the lesser of one-half of the amount certified for 55466  
that fiscal year under division (A)(2) of this section or the 55467  
balance in the school district property tax replacement fund; 55468

(2) Between the first and fifth days of May, the lesser of 55469  
one-half of the amount certified for that fiscal year under 55470  
division (A)(2) of this section or the balance in the school 55471  
district property tax replacement fund. 55472

(H) On the first day of June each year, the director of 55473  
budget and management shall transfer any balance remaining in the 55474  
school district property tax replacement fund after the payments 55475  
have been made under divisions (C), (D), (E), (F), and (G) of this 55476  
section to the half-mill equalization fund created under section 55477  
3318.18 of the Revised Code to the extent required to make any 55478  
payments in the current fiscal year under that section, and shall 55479  
transfer the remaining balance to the general revenue fund. 55480

(I) From fiscal year 2002 through fiscal year 2016, if the 55481  
total amount in the school district property tax replacement fund 55482  
is insufficient to make all payments under divisions (C), (D), 55483  
(E), and (F) of this section at the time the payments are to be 55484  
made, the director of budget and management shall transfer from 55485  
the general revenue fund to the school district property tax 55486  
replacement fund the difference between the total amount to be 55487  
paid and the total amount in the school district property tax 55488  
replacement fund, except that no transfer shall be made by reason 55489  
of a deficiency to the extent that it results from the amendment 55490  
of section 5727.84 of the Revised Code by Amended Substitute House 55491  
Bill No. 95 of the 125th general assembly. 55492

(J) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For the merger of all of the territory of two or more districts, the fixed-rate levy loss and the fixed-sum levy loss of the successor district shall be equal to the sum of the fixed-rate levy losses and the fixed-sum levy losses for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the fixed-rate levy loss that is transferred to the recipient district shall be an amount equal to the transferring district's total fixed-rate levy loss times a fraction, the numerator of which is the value of electric company tangible personal property located in the part of the territory that was transferred, and the denominator of which is the total value of electric company tangible personal property located in the entire district from which the territory was transferred. The value of electric company tangible personal property under this division shall be determined for the most recent year for which data is available. Fixed-sum levy losses for both districts shall be determined under division (J)(4) of this section.

(3) For the transfer of a part of the territory of one or more districts to create a new district:

(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August ~~2008~~ 2009. From February ~~2009~~ 2010 to August 2016, the new district shall be paid the lesser of: (i) the amount calculated under division (C)(2) of

this section or (ii) an amount equal to the new district's 55525  
fixed-rate levy loss multiplied by the percentage prescribed by 55526  
the following schedule: 55527

YEAR	PERCENTAGE	
<del>2009</del>	75%	55528
2010	70%	55529
2011	70%	55530
2012	60%	55531
2013	50%	55532
2014	40%	55533
2015	24%	55534
2016	11.5%	55535
2017 and thereafter	0%	55536

Fixed-sum levy losses for the districts shall be determined 55538  
under division (J)(4) of this section. 55539

(b) If the new district is created on or after January 1, 55540  
2005, the new district shall be deemed not to have any fixed-rate 55541  
levy loss or, except as provided in division (J)(4) of this 55542  
section, fixed-sum levy loss. The district or districts from which 55543  
the territory was transferred shall have no reduction in their 55544  
fixed-rate levy loss, or, except as provided in division (J)(4) of 55545  
this section, their fixed-sum levy loss. 55546

(4) If a recipient district under division (J)(2) of this 55547  
section or a new district under division (J)(3)(a) or (b) of this 55548  
section takes on debt from one or more of the districts from which 55549  
territory was transferred, and any of the districts transferring 55550  
the territory had fixed-sum levy losses, the department of 55551  
education, in consultation with the tax commissioner, shall make 55552  
an equitable division of the fixed-sum levy losses. 55553

(K) There is hereby created the public utility property tax 55554  
study committee, effective January 1, 2011. The committee shall 55555  
consist of the following seven members: the tax commissioner, 55556



three members of the senate appointed by the president of the 55557  
senate, and three members of the house of representatives 55558  
appointed by the speaker of the house of representatives. The 55559  
appointments shall be made not later than January 31, 2011. The 55560  
tax commissioner shall be the chairperson of the committee. 55561

The committee shall study the extent to which each school 55562  
district or joint vocational school district has been compensated, 55563  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 55564  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 55565  
any subsequent acts, for the property tax loss caused by the 55566  
reduction in the assessment rates for natural gas, electric, and 55567  
rural electric company tangible personal property. Not later than 55568  
June 30, 2011, the committee shall issue a report of its findings, 55569  
including any recommendations for providing additional 55570  
compensation for the property tax loss or regarding remedial 55571  
legislation, to the president of the senate and the speaker of the 55572  
house of representatives, at which time the committee shall cease 55573  
to exist. 55574

The department of taxation and department of education shall 55575  
provide such information and assistance as is required for the 55576  
committee to carry out its duties. 55577

**Sec. 5727.86.** (A) Not later than January 1, 2002, the tax 55578  
commissioner shall compute the payments to be made to each local 55579  
taxing unit for each year according to divisions (A)(1), (2), (3), 55580  
and (4) and division (E) of this section, and shall distribute the 55581  
payments in the manner prescribed by division (C) of this section. 55582  
The calculation of the fixed-sum levy loss shall cover a time 55583  
period sufficient to include all fixed-sum levies for which the 55584  
tax commissioner determined, pursuant to division (H) of section 55585  
5727.84 of the Revised Code, that a fixed-sum levy loss is to be 55586  
reimbursed. 55587

(1) Except as provided in divisions (A)(3) and (4) of this section, for fixed-rate levy losses determined under division (G) of section 5727.84 of the Revised Code, payments shall be made in each of the following years at the following percentage of the fixed-rate levy loss certified under division (A) of this section:

YEAR	PERCENTAGE	
2002	100%	55593
2003	100%	55594
2004	100%	55595
2005	100%	55596
2006	100%	55597
2007	80%	55598
2008	80%	55599
2009	80%	55600
2010	80%	55601
2011	80%	55602
2012	66.7%	55603
2013	53.4%	55604
2014	40.1%	55605
2015	26.8%	55606
2016	13.5%	55607
2017 and thereafter	0%	55608

(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2002 and thereafter.

(3) A local taxing unit in a county of less than two hundred fifty square miles that receives eighty per cent or more of its combined general fund and bond retirement fund revenues from property taxes and rollbacks based on 1997 actual revenues as presented in its 1999 tax budget, and in which electric companies and rural electric companies comprise over twenty per cent of its

property valuation, shall receive one hundred per cent of its 55620  
fixed-rate levy losses from electric company tax value losses 55621  
certified under division (A) of this section in years 2002 to 55622  
2016. 55623

(4) For taxes levied within the ten-mill limitation for debt 55624  
purposes in tax year 1998 in the case of electric company tax 55625  
value losses, and in tax year 1999 in the case of natural gas 55626  
company tax value losses, payments shall be made equal to one 55627  
hundred per cent of the loss computed as if the tax were a 55628  
fixed-rate levy, but those payments shall extend from fiscal year 55629  
2006 through fiscal year 2016. 55630

(B) Beginning in 2003, by the thirty-first day of January of 55631  
each year, the tax commissioner shall review the calculation 55632  
originally made under division (A) of this section of the 55633  
fixed-sum levy loss determined under division (H) of section 55634  
5727.84 of the Revised Code. If the commissioner determines that a 55635  
fixed-sum levy that had been scheduled to be reimbursed in the 55636  
current year has expired, a revised calculation for that and all 55637  
subsequent years shall be made. 55638

(C) Payments to local taxing units required to be made under 55639  
divisions (A) and (E) of this section shall be paid from the local 55640  
government property tax replacement fund to the county undivided 55641  
income tax fund in the proper county treasury. One-half of the 55642  
amount certified under those divisions shall be paid between the 55643  
twenty-first and twenty-eighth days of August and of February. The 55644  
county treasurer shall distribute amounts paid under division (A) 55645  
of this section to the proper local taxing unit as if they had 55646  
been levied and collected as taxes, and the local taxing unit 55647  
shall apportion the amounts so received among its funds in the 55648  
same proportions as if those amounts had been levied and collected 55649  
as taxes. Amounts Except in the case of amounts distributed to the 55650  
county as a local taxing unit, amounts distributed under division 55651

(E)(2) of this section shall be credited to the general fund of 55652  
the local taxing unit that receives them. Amounts distributed to 55653  
each county as a local taxing unit under division (E)(2) of this 55654  
section shall be credited in the proportion that the current taxes 55655  
charged and payable from each levy of or by the county bears to 55656  
the total current taxes charged and payable from all levies of or 55657  
by the county. 55658

(D) By February 5, 2002, the tax commissioner shall estimate 55659  
the amount of money in the local government property tax 55660  
replacement fund in excess of the amount necessary to make 55661  
payments in that month under division (C) of this section. 55662  
Notwithstanding division (A) of this section, the tax commissioner 55663  
may pay any local taxing unit, from those excess funds, nine and 55664  
four-tenths times the amount computed for 2002 under division 55665  
(A)(1) of this section. A payment made under this division shall 55666  
be in lieu of the payment to be made in February 2002 under 55667  
division (A)(1) of this section. A local taxing unit receiving a 55668  
payment under this division will no longer be entitled to any 55669  
further payments under division (A)(1) of this section. A payment 55670  
made under this division shall be paid from the local government 55671  
property tax replacement fund to the county undivided income tax 55672  
fund in the proper county treasury. The county treasurer shall 55673  
distribute the payment to the proper local taxing unit as if it 55674  
had been levied and collected as taxes, and the local taxing unit 55675  
shall apportion the amounts so received among its funds in the 55676  
same proportions as if those amounts had been levied and collected 55677  
as taxes. 55678

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 55679  
2005, and 2006, and on the thirty-first day of January and July of 55680  
2007 and each year thereafter, if the amount credited to the local 55681  
government property tax replacement fund exceeds the amount needed 55682  
to be distributed from the fund under division (A) of this section 55683

in the following month, the tax commissioner shall distribute the 55684  
excess to each county as follows: 55685

~~(1)~~(a) One-half shall be distributed to each county in 55686  
proportion to each county's population. 55687

~~(2)~~(b) One-half shall be distributed to each county in the 55688  
proportion that the amounts determined under divisions (G) and (H) 55689  
of section 5727.84 of the Revised Code for all local taxing units 55690  
in the county is of the total amounts so determined for all local 55691  
taxing units in the state. 55692

(2) The amounts distributed to each county under ~~this~~ 55693  
division (E) of this section shall be distributed by the county 55694  
~~treasurer~~ auditor to each local taxing unit in the county in the 55695  
proportion that the unit's current taxes charged and payable are 55696  
of the total current taxes charged and payable of all the local 55697  
taxing units in the county. If the amount that the county auditor 55698  
determines to be distributed to a local taxing unit is less than 55699  
five dollars, that amount shall not be distributed, and the amount 55700  
not distributed shall remain credited to the county undivided 55701  
income tax fund. At the time of the next distribution under 55702  
division (E)(2) of this section, any amount that had not been 55703  
distributed in the prior distribution shall be added to the amount 55704  
available for the next distribution prior to calculation of the 55705  
amount to be distributed. As used in this division, "current taxes 55706  
charged and payable" means the taxes charged and payable as most 55707  
recently determined for local taxing units in the county. 55708

(3) If, in the opinion of the tax commissioner, the excess 55709  
remaining in the local government property tax replacement fund in 55710  
any year is not sufficient to warrant distribution under ~~this~~ 55711  
division (E) of this section, the excess shall remain to the 55712  
credit of the fund. 55713

(F) From fiscal year 2002 through fiscal year 2016, if the 55714

total amount in the local government property tax replacement fund 55715  
is insufficient to make all payments under division (C) of this 55716  
section at the times the payments are to be made, the director of 55717  
budget and management shall transfer from the general revenue fund 55718  
to the local government property tax replacement fund the 55719  
difference between the total amount to be paid and the amount in 55720  
the local government property tax replacement fund, except that no 55721  
transfer shall be made by reason of a deficiency to the extent 55722  
that it results from the amendment of section 5727.84 of the 55723  
Revised Code by Amended Substitute House Bill 95 of the 125th 55724  
general assembly. 55725

(G) If all or a part of the territories of two or more local 55726  
taxing units are merged, or unincorporated territory of a township 55727  
is annexed by a municipal corporation, the tax commissioner shall 55728  
adjust the payments made under this section to each of the local 55729  
taxing units in proportion to the tax value loss apportioned to 55730  
the merged or annexed territory, or as otherwise provided by a 55731  
written agreement between the legislative authorities of the local 55732  
taxing units certified to the tax commissioner not later than the 55733  
first day of June of the calendar year in which the payment is to 55734  
be made. 55735

**Sec. 5727.87.** (A) As used in this section: 55736

(1) "Administrative fees" means the dollar percentages 55737  
allowed by the county auditor for services or by the county 55738  
treasurer as fees, or paid to the credit of the real estate 55739  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 55740  
and division (A) of section 321.26 of the Revised Code. 55741

(2) "Administrative fee loss" means a county's loss of 55742  
administrative fees due to its tax value loss, determined as 55743  
follows: 55744

(a) For purposes of the determination made under division (B) 55745

of this section in the years 2002 through 2006, the administrative 55746  
fee loss shall be computed by multiplying the amounts determined 55747  
for all taxing districts in the county under divisions (G) and (H) 55748  
of section 5727.84 of the Revised Code by nine thousand six 55749  
hundred fifty-nine ten-thousandths of one per cent if total taxes 55750  
collected in the county in 1999 exceeded one hundred fifty million 55751  
dollars, or one and one thousand one hundred fifty-nine 55752  
ten-thousandths of one per cent if total taxes collected in the 55753  
county in 1999 were one hundred fifty million dollars or less; 55754

(b) For purposes of the determination under division (B) of 55755  
this section in the years 2007 through 2011, the administrative 55756  
fee loss shall be the lesser of the amount computed under division 55757  
(A)(2)(a) of this section or the amount determined by subtracting 55758  
from the dollar amount of administrative fees collected in the 55759  
county in 1999, the dollar amount of administrative fees collected 55760  
in the county in the current calendar year. 55761

(3) "Total taxes collected" means all money collected on any 55762  
tax duplicate of the county, other than the estate tax duplicates. 55763  
"Total taxes collected" does not include amounts received pursuant 55764  
to divisions (F) and (G) of section 321.24 or section 323.156 of 55765  
the Revised Code. 55766

(B) Not later than the thirty-first day of December of 2001 55767  
through 2005, the tax commissioner shall certify to each county 55768  
auditor the tax levy losses calculated under divisions (G) and (H) 55769  
of section 5727.84 of the Revised Code for each school district, 55770  
joint vocational school district, and local taxing unit in the 55771  
county. Not later than the thirty-first day of January of 2002 55772  
through 2011, the county auditor shall determine the 55773  
administrative fee loss for the county and apportion that loss 55774  
ratably among the school districts, joint vocational school 55775  
districts, and local taxing units on the basis of the tax levy 55776  
losses certified under this division. 55777

(C) On or before each of the days prescribed for the 55778  
settlements under divisions (A) and (C) of section 321.24 of the 55779  
Revised Code in the years 2002 through 2011, the county treasurer 55780  
shall deduct one-half of the amount apportioned to each school 55781  
district, joint vocational school district, and local taxing unit 55782  
from the portions of revenue payable to them. 55783

(D) On or before each of the days prescribed for settlements 55784  
under divisions (A) and (C) of section 321.24 of the Revised Code 55785  
in the years 2002 through 2011, the county auditor shall cause to 55786  
be deposited an amount equal to one-half of the amount of the 55787  
administrative fee loss in the same funds as if allowed as 55788  
administrative fees. 55789

After payment of the administrative fee loss on or before 55790  
August 10, 2011, all payments under this section shall cease. 55791

**Sec. 5733.12.** (A) ~~Four and two tenths per cent of all~~ All 55792  
payments received from the taxes imposed under sections 5733.06 55793  
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 55794  
~~government fund for distribution in accordance with section~~ 55795  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 55796  
~~credited to the local government revenue assistance fund for~~ 55797  
~~distribution in accordance with section 5747.61 of the Revised~~ 55798  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 55799  
the general revenue fund. 55800

(B) Except as otherwise provided under divisions (C) and (D) 55801  
of this section, an application to refund to the corporation the 55802  
amount of taxes imposed under section 5733.06 of the Revised Code 55803  
that are overpaid, paid illegally or erroneously, or paid on any 55804  
illegal, erroneous, or excessive assessment, with interest thereon 55805  
as provided by section 5733.26 of the Revised Code, shall be filed 55806  
with the tax commissioner, on the form prescribed by the 55807  
commissioner, within three years from the date of the illegal, 55808



erroneous, or excessive payment of the tax, or within any 55809  
additional period allowed by division (C)(2) of section 5733.031, 55810  
division (D)(2) of section 5733.067, or division (A) of section 55811  
5733.11 of the Revised Code. For purposes of division (B) of this 55812  
section, any payment that the applicant made before the due date 55813  
or extended due date for filing the report to which the payment 55814  
relates shall be deemed to have been made on the due date or 55815  
extended due date. 55816

On the filing of the refund application, the commissioner 55817  
shall determine the amount of refund to which the applicant is 55818  
entitled. If the amount is not less than that claimed the 55819  
commissioner shall certify the amount to the director of budget 55820  
and management and treasurer of state for payment from the tax 55821  
refund fund created by section 5703.052 of the Revised Code. If 55822  
the amount is less than that claimed, the commissioner shall 55823  
proceed in accordance with section 5703.70 of the Revised Code. 55824

(C) "Ninety days" shall be substituted for "three years" in 55825  
division (B) of this section if the taxpayer satisfies both of the 55826  
following: 55827

(1) The taxpayer has applied for a refund based in whole or 55828  
in part upon section 5733.0611 of the Revised Code; 55829

(2) The taxpayer asserts that the imposition or collection of 55830  
the tax imposed or charged by section 5733.06 of the Revised Code 55831  
or any portion of such tax violates the Constitution of the United 55832  
States or the Constitution of this state. 55833

(D)(1) Division (D)(2) of this section applies only if all of 55834  
the following conditions are satisfied: 55835

(a) A qualifying pass-through entity pays an amount of the 55836  
tax imposed by section 5733.41 of the Revised Code; 55837

(b) The taxpayer is a qualifying investor as to that 55838  
qualifying pass-through entity; 55839

(c) The taxpayer did not claim the credit provided for in 55840  
section 5733.0611 of the Revised Code as to the tax described in 55841  
division (D)(1)(a) of this section; 55842

(d) The three-year period described in division (B) of this 55843  
section has ended as to the taxable year for which the taxpayer 55844  
otherwise would have claimed that credit. 55845

(2) A taxpayer shall file an application for refund pursuant 55846  
to this division within one year after the date the payment 55847  
described in division (D)(1)(a) of this section is made. An 55848  
application filed under this division shall only claim refund of 55849  
overpayments resulting from the taxpayer's failure to claim the 55850  
credit described in division (D)(1)(c) of this section. Nothing in 55851  
this division shall be construed to relieve a taxpayer from 55852  
complying with the provisions of division (I)(14) of section 55853  
5733.04 of the Revised Code. 55854

**Sec. 5733.39.** (A) As used in this section: 55855

(1) "Compliance facility" means property that is designed, 55856  
constructed, or installed, and used, at a coal-fired electric 55857  
generating facility for the primary purpose of complying with acid 55858  
rain control requirements under Title IV of the "Clean Air Act 55859  
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, and that 55860  
controls or limits emissions of sulfur or nitrogen compounds 55861  
resulting from the combustion of coal through the removal or 55862  
reduction of those compounds before, during, or after the 55863  
combustion of the coal, but before the combustion products are 55864  
emitted into the atmosphere. "Compliance facility" also includes 55865  
any of the following: 55866

(a) A facility that removes sulfur compounds from coal before 55867  
the combustion of the coal and that is located off the premises of 55868  
the electric generating facility where the coal processed by the 55869  
compliance facility is burned; 55870

(b) Modifications to the electric generating facility where 55871  
the compliance facility is constructed or installed that are 55872  
necessary to accommodate the construction or installation, and 55873  
operation, of the compliance facility; 55874

(c) A byproduct disposal facility, as defined in section 55875  
3734.051 of the Revised Code, that exclusively disposes of wastes 55876  
produced by the compliance facility and other coal combustion 55877  
byproducts produced by the generating unit in or to which the 55878  
compliance facility is incorporated or connected regardless of 55879  
whether the byproduct disposal facility is located on the same 55880  
premises as the compliance facility or generating unit that 55881  
produces the wastes disposed of at the facility; 55882

(d) Facilities or equipment that is acquired, constructed, or 55883  
installed, and used, at a coal-fired electric generating facility 55884  
exclusively for the purpose of handling the byproducts produced by 55885  
the compliance facility or other coal combustion byproducts 55886  
produced by the generating unit in or to which the compliance 55887  
facility is incorporated or connected; 55888

(e) A flue gas desulfurization system that is connected to a 55889  
coal-fired electric generating unit; 55890

(f) Facilities or equipment acquired, constructed, or 55891  
installed, and used, at a coal-fired electric generating unit 55892  
primarily for the purpose of handling the byproducts produced by a 55893  
compliance facility or other coal combustion byproducts produced 55894  
by the generating unit in or to which the compliance facility is 55895  
incorporated or connected. 55896

(2) "Ohio coal" means coal mined from coal deposits in the 55897  
ground that are located within this state, regardless of the 55898  
location of the mine's tipple. 55899

(3) "Sale and leaseback transaction" has the same meaning as 55900  
in section 5727.01 of the Revised Code. 55901

(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 owned by an electric company, the public utilities commission shall certify to the tax commissioner the cost of the facility as of the date it was placed in service. In the case of a compliance facility owned by a person other than an electric company, the tax commissioner shall determine the cost of the facility as of the

date it was placed in service. If the owner of such a facility 55934  
fails to furnish the information necessary to make that 55935  
determination, no credit shall be allowed. 55936

Sec. 5733.48. (A) As used in this section, "alternative 55937  
fuel," "retail dealer," and "retail service station" have the same 55938  
meanings as in section 5747.77 of the Revised Code. 55939

(B) There is hereby allowed a nonrefundable credit against 55940  
the tax imposed by section 5733.06 of the Revised Code for a 55941  
retail dealer that sells alternative fuel. The credit may be 55942  
claimed for tax years 2008 and 2009. The credit for tax year 2008 55943  
shall equal fifteen cents per gallon of alternative fuel sold and 55944  
dispensed through a metered pump at the retail dealer's retail 55945  
service station during any part of calendar year 2007 that is 55946  
included in the dealer's taxable year ending in 2007. The credit 55947  
for tax year 2009 shall equal fifteen cents per gallon of 55948  
alternative fuel sold and dispensed through a metered pump at the 55949  
retail dealer's retail service station during any part of calendar 55950  
year 2007 that is included in the dealer's taxable year ending in 55951  
2008, plus thirteen cents per gallon of alternative fuel sold and 55952  
dispensed in that manner during any part of calendar year 2008 55953  
that is included in that taxable year. The credit shall be 55954  
calculated separately for each retail service station owned or 55955  
operated by the retail dealer. 55956

(C) The retail dealer shall claim the credit under this 55957  
section in the order prescribed in section 5733.98 of the Revised 55958  
Code. The credit shall not exceed the amount of tax otherwise due 55959  
under section 5733.06 of the Revised Code after deducting any 55960  
other credits that precede the credit claimed under this section 55961  
in that order. 55962

Sec. 5733.98. (A) To provide a uniform procedure for 55963

calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

(1) For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;

(2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;

(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;

(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;

(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;

(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;

(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;

(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;

(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;

(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;

(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;

(12) The credit for ~~purchases of new manufacturing machinery~~

<del>and equipment under section 5733.31 or section 5733.311 tax years</del>	55993
<del>2008 and 2009 for selling alternative fuel under section 5733.48</del>	55994
of the Revised Code;	55995
(13) The second credit for purchases of new manufacturing	55996
machinery and equipment under section 5733.33 of the Revised Code;	55997
(14) The job training credit under section 5733.42 of the	55998
Revised Code;	55999
(15) The credit for qualified research expenses under section	56000
5733.351 of the Revised Code;	56001
(16) The enterprise zone credit under section 5709.66 of the	56002
Revised Code;	56003
(17) The credit for the eligible costs associated with a	56004
voluntary action under section 5733.34 of the Revised Code;	56005
(18) The credit for employers that establish on-site child	56006
day-care centers under section 5733.37 of the Revised Code;	56007
(19) The ethanol plant investment credit under section	56008
5733.46 of the Revised Code;	56009
(20) The credit for purchases of qualifying grape production	56010
property under section 5733.32 of the Revised Code;	56011
(21) The export sales credit under section 5733.069 of the	56012
Revised Code;	56013
(22) The credit for research and development and technology	56014
transfer investors under section 5733.35 of the Revised Code;	56015
(23) The enterprise zone credits under section 5709.65 of the	56016
Revised Code;	56017
(24) The credit for using Ohio coal under section 5733.39 of	56018
the Revised Code;	56019
(25) The credit for small telephone companies under section	56020
5733.57 of the Revised Code;	56021

(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	56022 56023
(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;	56024 56025 56026
(28) The research and development credit under section 5733.352 of the Revised Code;	56027 56028
(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;	56029 56030 56031
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	56032 56033
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	56034 56035
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	56036 56037
(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;	56038 56039 56040
(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.	56041 56042 56043
(B) For any credit except the credits enumerated in divisions (A)(30) to (34) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	56044 56045 56046 56047 56048 56049
<b>Sec. 5739.02.</b> For the purpose of providing revenue with which	56050



to meet the needs of the state, for the use of the general revenue 56051  
fund of the state, for the purpose of securing a thorough and 56052  
efficient system of common schools throughout the state, for the 56053  
purpose of affording revenues, in addition to those from general 56054  
property taxes, permitted under constitutional limitations, and 56055  
from other sources, for the support of local governmental 56056  
functions, and for the purpose of reimbursing the state for the 56057  
expense of administering this chapter, an excise tax is hereby 56058  
levied on each retail sale made in this state. 56059

(A)(1) The tax shall be collected as provided in section 56060  
5739.025 of the Revised Code, provided that on and after July 1, 56061  
2003, and on or before June 30, 2005, the rate of tax shall be six 56062  
per cent. On and after July 1, 2005, the rate of the tax shall be 56063  
five and one-half per cent. The tax applies and is collectible 56064  
when the sale is made, regardless of the time when the price is 56065  
paid or delivered. 56066

(2) In the case of the lease or rental, with a fixed term of 56067  
more than thirty days or an indefinite term with a minimum period 56068  
of more than thirty days, of any motor vehicles designed by the 56069  
manufacturer to carry a load of not more than one ton, watercraft, 56070  
outboard motor, or aircraft, or of any tangible personal property, 56071  
other than motor vehicles designed by the manufacturer to carry a 56072  
load of more than one ton, to be used by the lessee or renter 56073  
primarily for business purposes, the tax shall be collected by the 56074  
vendor at the time the lease or rental is consummated and shall be 56075  
calculated by the vendor on the basis of the total amount to be 56076  
paid by the lessee or renter under the lease agreement. If the 56077  
total amount of the consideration for the lease or rental includes 56078  
amounts that are not calculated at the time the lease or rental is 56079  
executed, the tax shall be calculated and collected by the vendor 56080  
at the time such amounts are billed to the lessee or renter. In 56081  
the case of an open-end lease or rental, the tax shall be 56082

calculated by the vendor on the basis of the total amount to be 56083  
paid during the initial fixed term of the lease or rental, and for 56084  
each subsequent renewal period as it comes due. As used in this 56085  
division, "motor vehicle" has the same meaning as in section 56086  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 56087  
unit attached to the watercraft. 56088

A lease with a renewal clause and a termination penalty or 56089  
similar provision that applies if the renewal clause is not 56090  
exercised is presumed to be a sham transaction. In such a case, 56091  
the tax shall be calculated and paid on the basis of the entire 56092  
length of the lease period, including any renewal periods, until 56093  
the termination penalty or similar provision no longer applies. 56094  
The taxpayer shall bear the burden, by a preponderance of the 56095  
evidence, that the transaction or series of transactions is not a 56096  
sham transaction. 56097

(3) Except as provided in division (A)(2) of this section, in 56098  
the case of a sale, the price of which consists in whole or in 56099  
part of the lease or rental of tangible personal property, the tax 56100  
shall be measured by the installments of that lease or rental. 56101

(4) In the case of a sale of a physical fitness facility 56102  
service or recreation and sports club service, the price of which 56103  
consists in whole or in part of a membership for the receipt of 56104  
the benefit of the service, the tax applicable to the sale shall 56105  
be measured by the installments thereof. 56106

(B) The tax does not apply to the following: 56107

(1) Sales to the state or any of its political subdivisions, 56108  
or to any other state or its political subdivisions if the laws of 56109  
that state exempt from taxation sales made to this state and its 56110  
political subdivisions; 56111

(2) Sales of food for human consumption off the premises 56112  
where sold; 56113

(3) Sales of food sold to students only in a cafeteria,	56114
dormitory, fraternity, or sorority maintained in a private,	56115
public, or parochial school, college, or university;	56116
(4) Sales of newspapers and of magazine subscriptions and	56117
sales or transfers of magazines distributed as controlled	56118
circulation publications;	56119
(5) The furnishing, preparing, or serving of meals without	56120
charge by an employer to an employee provided the employer records	56121
the meals as part compensation for services performed or work	56122
done;	56123
(6) Sales of motor fuel upon receipt, use, distribution, or	56124
sale of which in this state a tax is imposed by the law of this	56125
state, but this exemption shall not apply to the sale of motor	56126
fuel on which a refund of the tax is allowable under division (A)	56127
of section 5735.14 of the Revised Code; and the tax commissioner	56128
may deduct the amount of tax levied by this section applicable to	56129
the price of motor fuel when granting a refund of motor fuel tax	56130
pursuant to division (A) of section 5735.14 of the Revised Code	56131
and shall cause the amount deducted to be paid into the general	56132
revenue fund of this state;	56133
(7) Sales of natural gas by a natural gas company, of water	56134
by a water-works company, or of steam by a heating company, if in	56135
each case the thing sold is delivered to consumers through pipes	56136
or conduits, and all sales of communications services by a	56137
telegraph company, all terms as defined in section 5727.01 of the	56138
Revised Code, and sales of electricity delivered through wires;	56139
(8) Casual sales by a person, or auctioneer employed directly	56140
by the person to conduct such sales, except as to such sales of	56141
motor vehicles, watercraft or outboard motors required to be	56142
titled under section 1548.06 of the Revised Code, watercraft	56143
documented with the United States coast guard, snowmobiles, and	56144

all-purpose vehicles as defined in section 4519.01 of the Revised Code; 56145  
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(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, ~~except that,~~ 56147  
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(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school, and sales by each such club, group, association, or organization shall be counted separately for purposes of the six day limitation. This division does, 56163  
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(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station. 56174  
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(10) Sales not within the taxing power of this state under the Constitution of the United States; 56177  
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(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service; 56179  
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(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code. 56183  
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"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the 56195  
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operation of a parent-teacher association, booster group, or 56209  
similar organization primarily engaged in the promotion and 56210  
support of the curricular or extracurricular activities of a 56211  
primary or secondary school; the operation of a community or area 56212  
center in which presentations in music, dramatics, the arts, and 56213  
related fields are made in order to foster public interest and 56214  
education therein; the production of performances in music, 56215  
dramatics, and the arts; or the promotion of education by an 56216  
organization engaged in carrying on research in, or the 56217  
dissemination of, scientific and technological knowledge and 56218  
information primarily for the public. 56219

Nothing in this division shall be deemed to exempt sales to 56220  
any organization for use in the operation or carrying on of a 56221  
trade or business, or sales to a home for the aged for use in the 56222  
operation of independent living facilities as defined in division 56223  
(A) of section 5709.12 of the Revised Code. 56224

(13) Building and construction materials and services sold to 56225  
construction contractors for incorporation into a structure or 56226  
improvement to real property under a construction contract with 56227  
this state or a political subdivision of this state, or with the 56228  
United States government or any of its agencies; building and 56229  
construction materials and services sold to construction 56230  
contractors for incorporation into a structure or improvement to 56231  
real property that are accepted for ownership by this state or any 56232  
of its political subdivisions, or by the United States government 56233  
or any of its agencies at the time of completion of the structures 56234  
or improvements; building and construction materials sold to 56235  
construction contractors for incorporation into a horticulture 56236  
structure or livestock structure for a person engaged in the 56237  
business of horticulture or producing livestock; building 56238  
materials and services sold to a construction contractor for 56239  
incorporation into a house of public worship or religious 56240

education, or a building used exclusively for charitable purposes 56241  
under a construction contract with an organization whose purpose 56242  
is as described in division (B)(12) of this section; building 56243  
materials and services sold to a construction contractor for 56244  
incorporation into a building under a construction contract with 56245  
an organization exempt from taxation under section 501(c)(3) of 56246  
the Internal Revenue Code of 1986 when the building is to be used 56247  
exclusively for the organization's exempt purposes; building and 56248  
construction materials sold for incorporation into the original 56249  
construction of a sports facility under section 307.696 of the 56250  
Revised Code; and building and construction materials and services 56251  
sold to a construction contractor for incorporation into real 56252  
property outside this state if such materials and services, when 56253  
sold to a construction contractor in the state in which the real 56254  
property is located for incorporation into real property in that 56255  
state, would be exempt from a tax on sales levied by that state; 56256

(14) Sales of ships or vessels or rail rolling stock used or 56257  
to be used principally in interstate or foreign commerce, and 56258  
repairs, alterations, fuel, and lubricants for such ships or 56259  
vessels or rail rolling stock; 56260

(15) Sales to persons primarily engaged in any of the 56261  
activities mentioned in division (B)(42)(a) or (g) of this 56262  
section, to persons engaged in making retail sales, or to persons 56263  
who purchase for sale from a manufacturer tangible personal 56264  
property that was produced by the manufacturer in accordance with 56265  
specific designs provided by the purchaser, of packages, including 56266  
material, labels, and parts for packages, and of machinery, 56267  
equipment, and material for use primarily in packaging tangible 56268  
personal property produced for sale, including any machinery, 56269  
equipment, and supplies used to make labels or packages, to 56270  
prepare packages or products for labeling, or to label packages or 56271  
products, by or on the order of the person doing the packaging, or 56272

sold at retail. "Packages" includes bags, baskets, cartons, 56273  
crates, boxes, cans, bottles, bindings, wrappings, and other 56274  
similar devices and containers, but does not include motor 56275  
vehicles or bulk tanks, trailers, or similar devices attached to 56276  
motor vehicles. "Packaging" means placing in a package. Division 56277  
(B)(15) of this section does not apply to persons engaged in 56278  
highway transportation for hire. 56279

(16) Sales of food to persons using food stamp benefits to 56280  
purchase the food. As used in this division, "food" has the same 56281  
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 56282  
2012, as amended, and federal regulations adopted pursuant to that 56283  
act. 56284

(17) Sales to persons engaged in farming, agriculture, 56285  
horticulture, or floriculture, of tangible personal property for 56286  
use or consumption directly in the production by farming, 56287  
agriculture, horticulture, or floriculture of other tangible 56288  
personal property for use or consumption directly in the 56289  
production of tangible personal property for sale by farming, 56290  
agriculture, horticulture, or floriculture; or material and parts 56291  
for incorporation into any such tangible personal property for use 56292  
or consumption in production; and of tangible personal property 56293  
for such use or consumption in the conditioning or holding of 56294  
products produced by and for such use, consumption, or sale by 56295  
persons engaged in farming, agriculture, horticulture, or 56296  
floriculture, except where such property is incorporated into real 56297  
property; 56298

(18) Sales of drugs for a human being that may be dispensed 56299  
only pursuant to a prescription; insulin as recognized in the 56300  
official United States pharmacopoeia; urine and blood testing 56301  
materials when used by diabetics or persons with hypoglycemia to 56302  
test for glucose or acetone; hypodermic syringes and needles when 56303  
used by diabetics for insulin injections; epoetin alfa when 56304



purchased for use in the treatment of persons with medical 56305  
disease; hospital beds when purchased by hospitals, nursing homes, 56306  
or other medical facilities; and medical oxygen and medical 56307  
oxygen-dispensing equipment when purchased by hospitals, nursing 56308  
homes, or other medical facilities; 56309

(19) Sales of prosthetic devices, durable medical equipment 56310  
for home use, or mobility enhancing equipment, when made pursuant 56311  
to a prescription and when such devices or equipment are for use 56312  
by a human being. 56313

(20) Sales of emergency and fire protection vehicles and 56314  
equipment to nonprofit organizations for use solely in providing 56315  
fire protection and emergency services, including trauma care and 56316  
emergency medical services, for political subdivisions of the 56317  
state; 56318

(21) Sales of tangible personal property manufactured in this 56319  
state, if sold by the manufacturer in this state to a retailer for 56320  
use in the retail business of the retailer outside of this state 56321  
and if possession is taken from the manufacturer by the purchaser 56322  
within this state for the sole purpose of immediately removing the 56323  
same from this state in a vehicle owned by the purchaser; 56324

(22) Sales of services provided by the state or any of its 56325  
political subdivisions, agencies, instrumentalities, institutions, 56326  
or authorities, or by governmental entities of the state or any of 56327  
its political subdivisions, agencies, instrumentalities, 56328  
institutions, or authorities; 56329

(23) Sales of motor vehicles to nonresidents of this state 56330  
~~upon the presentation of an affidavit executed in this state by~~ 56331  
~~the nonresident purchaser affirming that the purchaser is a~~ 56332  
~~nonresident of this state, that possession of the motor vehicle is~~ 56333  
~~taken in this state for the sole purpose of immediately removing~~ 56334  
~~it from this state, that the motor vehicle will be permanently~~ 56335

~~titled and registered in another state, and that the motor vehicle~~ 56336  
~~will not be used in this state under the circumstances described~~ 56337  
~~in division (B) of section 5739.029 of the Revised Code;~~ 56338

(24) Sales to persons engaged in the preparation of eggs for 56339  
sale of tangible personal property used or consumed directly in 56340  
such preparation, including such tangible personal property used 56341  
for cleaning, sanitizing, preserving, grading, sorting, and 56342  
classifying by size; packages, including material and parts for 56343  
packages, and machinery, equipment, and material for use in 56344  
packaging eggs for sale; and handling and transportation equipment 56345  
and parts therefor, except motor vehicles licensed to operate on 56346  
public highways, used in intraplant or interplant transfers or 56347  
shipment of eggs in the process of preparation for sale, when the 56348  
plant or plants within or between which such transfers or 56349  
shipments occur are operated by the same person. "Packages" 56350  
includes containers, cases, baskets, flats, fillers, filler flats, 56351  
cartons, closure materials, labels, and labeling materials, and 56352  
"packaging" means placing therein. 56353

(25)(a) Sales of water to a consumer for residential use, 56354  
except the sale of bottled water, distilled water, mineral water, 56355  
carbonated water, or ice; 56356

(b) Sales of water by a nonprofit corporation engaged 56357  
exclusively in the treatment, distribution, and sale of water to 56358  
consumers, if such water is delivered to consumers through pipes 56359  
or tubing. 56360

(26) Fees charged for inspection or reinspection of motor 56361  
vehicles under section 3704.14 of the Revised Code; 56362

(27) Sales to persons licensed to conduct a food service 56363  
operation pursuant to section 3717.43 of the Revised Code, of 56364  
tangible personal property primarily used directly for the 56365  
following: 56366

(a) To prepare food for human consumption for sale;	56367
(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;	56368 56369 56370 56371
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	56372 56373
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	56374 56375
(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;	56376 56377 56378 56379
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	56380 56381 56382
(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;	56383 56384 56385
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	56386 56387 56388 56389 56390 56391
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	56392 56393 56394 56395 56396

(34) Sales to a telecommunications service vendor, mobile 56397  
telecommunications service vendor, or satellite broadcasting 56398  
service vendor of tangible personal property and services used 56399  
directly and primarily in transmitting, receiving, switching, or 56400  
recording any interactive, one- or two-way electromagnetic 56401  
communications, including voice, image, data, and information, 56402  
through the use of any medium, including, but not limited to, 56403  
poles, wires, cables, switching equipment, computers, and record 56404  
storage devices and media, and component parts for the tangible 56405  
personal property. The exemption provided in this division shall 56406  
be in lieu of all other exemptions under division (B)(42)(a) of 56407  
this section to which the vendor may otherwise be entitled, based 56408  
upon the use of the thing purchased in providing the 56409  
telecommunications, mobile telecommunications, or satellite 56410  
broadcasting service. 56411

(35)(a) Sales where the purpose of the consumer is to use or 56412  
consume the things transferred in making retail sales and 56413  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 56414  
certificates, or other advertising material that prices and 56415  
describes tangible personal property offered for retail sale. 56416

(b) Sales to direct marketing vendors of preliminary 56417  
materials such as photographs, artwork, and typesetting that will 56418  
be used in printing advertising material; of printed matter that 56419  
offers free merchandise or chances to win sweepstake prizes and 56420  
that is mailed to potential customers with advertising material 56421  
described in division (B)(35)(a) of this section; and of equipment 56422  
such as telephones, computers, facsimile machines, and similar 56423  
tangible personal property primarily used to accept orders for 56424  
direct marketing retail sales. 56425

(c) Sales of automatic food vending machines that preserve 56426  
food with a shelf life of forty-five days or less by refrigeration 56427  
and dispense it to the consumer. 56428

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, or directly in the rendition of a public utility service, except

that the sales tax levied by this section shall be collected upon 56492  
all meals, drinks, and food for human consumption sold when 56493  
transporting persons. Persons engaged in rendering farming, 56494  
agricultural, horticultural, or floricultural services, and 56495  
services in the exploration for, and production of, crude oil and 56496  
natural gas, for others are deemed engaged directly in farming, 56497  
agriculture, horticulture, and floriculture, or exploration for, 56498  
and production of, crude oil and natural gas. This paragraph does 56499  
not exempt from "retail sale" or "sales at retail" the sale of 56500  
tangible personal property that is to be incorporated into a 56501  
structure or improvement to real property. 56502

(b) To hold the thing transferred as security for the 56503  
performance of an obligation of the vendor; 56504

(c) To resell, hold, use, or consume the thing transferred as 56505  
evidence of a contract of insurance; 56506

(d) To use or consume the thing directly in commercial 56507  
fishing; 56508

(e) To incorporate the thing transferred as a material or a 56509  
part into, or to use or consume the thing transferred directly in 56510  
the production of, magazines distributed as controlled circulation 56511  
publications; 56512

(f) To use or consume the thing transferred in the production 56513  
and preparation in suitable condition for market and sale of 56514  
printed, imprinted, overprinted, lithographic, multilithic, 56515  
blueprinted, photostatic, or other productions or reproductions of 56516  
written or graphic matter; 56517

(g) To use the thing transferred, as described in section 56518  
5739.011 of the Revised Code, primarily in a manufacturing 56519  
operation to produce tangible personal property for sale; 56520

(h) To use the benefit of a warranty, maintenance or service 56521  
contract, or similar agreement, as described in division (B)(7) of 56522

section 5739.01 of the Revised Code, to repair or maintain 56523  
tangible personal property, if all of the property that is the 56524  
subject of the warranty, contract, or agreement would not be 56525  
subject to the tax imposed by this section; 56526

(i) To use the thing transferred as qualified research and 56527  
development equipment; 56528

(j) To use or consume the thing transferred primarily in 56529  
storing, transporting, mailing, or otherwise handling purchased 56530  
sales inventory in a warehouse, distribution center, or similar 56531  
facility when the inventory is primarily distributed outside this 56532  
state to retail stores of the person who owns or controls the 56533  
warehouse, distribution center, or similar facility, to retail 56534  
stores of an affiliated group of which that person is a member, or 56535  
by means of direct marketing. This division does not apply to 56536  
motor vehicles registered for operation on the public highways. As 56537  
used in this division, "affiliated group" has the same meaning as 56538  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 56539  
"direct marketing" has the same meaning as in division (B)(35) of 56540  
this section. 56541

(k) To use or consume the thing transferred to fulfill a 56542  
contractual obligation incurred by a warrantor pursuant to a 56543  
warranty provided as a part of the price of the tangible personal 56544  
property sold or by a vendor of a warranty, maintenance or service 56545  
contract, or similar agreement the provision of which is defined 56546  
as a sale under division (B)(7) of section 5739.01 of the Revised 56547  
Code; 56548

(l) To use or consume the thing transferred in the production 56549  
of a newspaper for distribution to the public; 56550

(m) To use tangible personal property to perform a service 56551  
listed in division (B)(3) of section 5739.01 of the Revised Code, 56552  
if the property is or is to be permanently transferred to the 56553



consumer of the service as an integral part of the performance of 56554  
the service. 56555

As used in division (B)(42) of this section, "thing" includes 56556  
all transactions included in divisions (B)(3)(a), (b), and (e) of 56557  
section 5739.01 of the Revised Code. 56558

(43) Sales conducted through a coin operated device that 56559  
activates vacuum equipment or equipment that dispenses water, 56560  
whether or not in combination with soap or other cleaning agents 56561  
or wax, to the consumer for the consumer's use on the premises in 56562  
washing, cleaning, or waxing a motor vehicle, provided no other 56563  
personal property or personal service is provided as part of the 56564  
transaction. 56565

(44) Sales of replacement and modification parts for engines, 56566  
airframes, instruments, and interiors in, and paint for, aircraft 56567  
used primarily in a fractional aircraft ownership program, and 56568  
sales of services for the repair, modification, and maintenance of 56569  
such aircraft, and machinery, equipment, and supplies primarily 56570  
used to provide those services. 56571

(45) Sales of telecommunications service that is used 56572  
directly and primarily to perform the functions of a call center. 56573  
As used in this division, "call center" means any physical 56574  
location where telephone calls are placed or received in high 56575  
volume for the purpose of making sales, marketing, customer 56576  
service, technical support, or other specialized business 56577  
activity, and that employs at least fifty individuals that engage 56578  
in call center activities on a full-time basis, or sufficient 56579  
individuals to fill fifty full-time equivalent positions. 56580

(46) Sales by a telecommunications service vendor of 900 56581  
service to a subscriber. This division does not apply to 56582  
information services, as defined in division (FF) of section 56583  
5739.01 of the Revised Code. 56584

(47) Sales of value-added non-voice data service. This 56585  
division does not apply to any similar service that is not 56586  
otherwise a telecommunications service. 56587

(C) For the purpose of the proper administration of this 56588  
chapter, and to prevent the evasion of the tax, it is presumed 56589  
that all sales made in this state are subject to the tax until the 56590  
contrary is established. 56591

(D) The levy of this tax on retail sales of recreation and 56592  
sports club service shall not prevent a municipal corporation from 56593  
levying any tax on recreation and sports club dues or on any 56594  
income generated by recreation and sports club dues. 56595

(E) The tax collected by the vendor from the consumer under 56596  
this chapter is not part of the price, but is a tax collection for 56597  
the benefit of the state, and of counties levying an additional 56598  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 56599  
Code and of transit authorities levying an additional sales tax 56600  
pursuant to section 5739.023 of the Revised Code. Except for the 56601  
discount authorized under section 5739.12 of the Revised Code and 56602  
the effects of any rounding pursuant to section 5703.055 of the 56603  
Revised Code, no person other than the state or such a county or 56604  
transit authority shall derive any benefit from the collection or 56605  
payment of the tax levied by this section or section 5739.021, 56606  
5739.023, or 5739.026 of the Revised Code. 56607

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 56608  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 56609  
5741.023 of the Revised Code, and except as otherwise provided in 56610  
division (B) of this section, the tax due under this chapter on 56611  
the sale of a motor vehicle required to be titled under Chapter 56612  
4505. of the Revised Code by a motor vehicle dealer to a consumer 56613  
that is a nonresident of this state shall be the lesser of the 56614  
amount of tax that would be due under this chapter and Chapter 56615

5741. of the Revised Code if the total combined rate were six per cent, or the amount of tax that would be due, taking into consideration all applicable credits and exemptions, to the state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use.

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(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.

(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 56646  
execute an affidavit affirming the intentions described in those 56647  
divisions. The affidavit shall be executed in triplicate and in 56648  
the form specified by the tax commissioner. The affidavit shall be 56649  
given to the motor vehicle dealer. 56650

A motor vehicle dealer that accepts in good faith an 56651  
affidavit presented under this division by a nonresident consumer 56652  
may rely upon the representations made in the affidavit. 56653

(D) A motor vehicle dealer making a sale subject to the tax 56654  
under division (A) of this section shall collect the tax due 56655  
unless the sale is subject to the exception under division (B) of 56656  
this section or unless the sale is not otherwise subject to taxes 56657  
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 56658  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 56659  
the case of a sale under the circumstances described in division 56660  
(B)(1) of this section, the dealer shall retain one copy of the 56661  
affidavit and file the original and the other copy with the clerk 56662  
of the court of common pleas. If tax is due under division (A) of 56663  
this section, the dealer shall remit the tax collected to the 56664  
clerk at the time the dealer obtains the Ohio certificate of title 56665  
in the name of the consumer as required under section 4505.06 of 56666  
the Revised Code. The clerk shall forward the original affidavit 56667  
to the tax commissioner in the manner prescribed by the 56668  
commissioner. 56669

Unless a sale is excepted from taxation under division (B) of 56670  
this section, upon receipt of an application for certificate of 56671  
title a clerk of the court of common pleas shall collect the sales 56672  
tax due under division (A) of this section. The clerk shall remit 56673  
the tax collected to the tax commissioner in the manner prescribed 56674  
by the commissioner. 56675

(E) If a motor vehicle is purchased by a corporation 56676  
described in division (B)(6) of section 5739.01 of the Revised 56677

Code, the state of residence of the consumer for the purposes of 56678  
this section is the state of residence of the corporation's 56679  
principal shareholder. 56680

(F) Any provision of this chapter or of Chapter 5741. of the 56681  
Revised Code that is not inconsistent with this section applies to 56682  
sales described in division (A) of this section. 56683

(G) As used in this section: 56684

(1) For the purposes of this section only, the sale or 56685  
purchase of a motor vehicle does not include a lease or rental of 56686  
a motor vehicle subject to division (A)(2) or (3) of section 56687  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 56688  
Revised Code; 56689

(2) "State," except in reference to "this state," means any 56690  
state, district, commonwealth, or territory of the United States. 56691

**Sec. 5739.032.** (A) If the total amount of tax required to be 56692  
paid by a permit holder under section 5739.031 of the Revised Code 56693  
for any calendar year equals or exceeds seventy-five thousand 56694  
dollars, the permit holder shall remit each monthly tax payment in 56695  
the second ensuing and each succeeding year by electronic funds 56696  
transfer as prescribed by division (B) of this section. 56697

If a permit holder's tax payment for each of two consecutive 56698  
years is less than seventy-five thousand dollars, the permit 56699  
holder is relieved of the requirement to remit taxes by electronic 56700  
funds transfer for the year that next follows the second of the 56701  
consecutive years in which the tax payment is less than that 56702  
amount, and is relieved of that requirement for each succeeding 56703  
year, unless the tax payment in a subsequent year equals or 56704  
exceeds seventy-five thousand dollars. 56705

The tax commissioner shall notify each permit holder required 56706  
to remit taxes by electronic funds transfer of the permit holder's 56707

obligation to do so, shall maintain an updated list of those 56708  
permit holders, and shall timely certify the list and any 56709  
additions thereto or deletions therefrom to the treasurer of 56710  
state. Failure by the tax commissioner to notify a permit holder 56711  
subject to this section to remit taxes by electronic funds 56712  
transfer does not relieve the permit holder of its obligation to 56713  
remit taxes by electronic funds transfer. 56714

(B) Permit holders required by division (A) of this section 56715  
to remit payments by electronic funds transfer shall remit such 56716  
payments to the treasurer of state in the manner prescribed by 56717  
this section and rules adopted by the treasurer of state under 56718  
section 113.061 of the Revised Code, and ~~on or before the~~ 56719  
~~following dates as follows:~~ 56720

(1) ~~On or before each of the fifteenth and twenty-fifth days~~ 56721  
~~of each month, a permit holder shall remit an amount equal to~~ 56722  
~~thirty seven and one half per cent of the permit holder's total~~ 56723  
~~tax liability for the same month in the preceding calendar year~~ On 56724  
or before the twenty-third day of each month, a permit holder 56725  
shall remit an amount equal to seventy-five per cent of the 56726  
anticipated tax liability for that month. 56727

(2) On or before the twenty-third day of each month, a permit 56728  
holder shall report the taxes due for the previous month and shall 56729  
remit that amount, less any amounts paid for that month as 56730  
required by division (B)(1) of this section. 56731

The payment of taxes by electronic funds transfer does not 56732  
affect a permit holder's obligation to file the monthly return as 56733  
required under section 5739.031 of the Revised Code. 56734

(C) A permit holder required by this section to remit taxes 56735  
by electronic funds transfer may apply to the treasurer of state 56736  
in the manner prescribed by the treasurer of state to be excused 56737  
from that requirement. The treasurer of state may excuse the 56738

permit holder from remittance by electronic funds transfer for 56739  
good cause shown for the period of time requested by the permit 56740  
holder or for a portion of that period. The treasurer of state 56741  
shall notify the tax commissioner and the permit holder of the 56742  
treasurer of state's decision as soon as is practicable. 56743

(D)(1)(a) If a permit holder that is required to remit 56744  
payments under division (B) of this section fails to make a 56745  
payment, or makes a payment under division (B)(1) of this section 56746  
that is less than seventy-five per cent of the actual liability 56747  
for that month, the commissioner may impose an additional charge 56748  
not to exceed five per cent of that unpaid amount. 56749

(b) Division (D)(1)(a) of this section does not apply if the 56750  
permit holder's payment under division (B)(1) of this section is 56751  
equal to or greater than seventy-five per cent of the permit 56752  
holder's reported liability for the same month in the immediately 56753  
preceding calendar year. 56754

(2) If a permit holder required by this section to remit 56755  
taxes by electronic funds transfer remits those taxes by some 56756  
means other than by electronic funds transfer as prescribed by 56757  
this section and the rules adopted by the treasurer of state, and 56758  
the tax commissioner determines that such failure was not due to 56759  
reasonable cause or was due to willful neglect, the commissioner 56760  
may impose an additional charge not to exceed the lesser of five 56761  
per cent of the amount of the taxes required to be paid by 56762  
electronic funds transfer or five thousand dollars. 56763

(3) Any additional charge imposed under division (D)(1) or 56764  
(2) of this section is in addition to any other penalty or charge 56765  
imposed under this chapter, and shall be considered as revenue 56766  
arising from taxes imposed under this chapter. An additional 56767  
charge may be collected by assessment in the manner prescribed by 56768  
section 5739.13 of the Revised Code. The tax commissioner may 56769  
waive all or a portion of such a charge and may adopt rules 56770

governing such waiver. 56771

No additional charge shall be imposed under division (D)(2) 56772  
of this section against a permit holder that has been notified of 56773  
its obligation to remit taxes under this section and that remits 56774  
its first two tax payments after such notification by some means 56775  
other than electronic funds transfer. The additional charge may be 56776  
imposed upon the remittance of any subsequent tax payment that the 56777  
permit holder remits by some means other than electronic funds 56778  
transfer. 56779

**Sec. 5739.033.** (A) Except as provided in division (B) of this 56780  
section, divisions (C) to (I) of this section apply to sales made 56781  
on and after May 1, 2006. Sales made before May 1, 2006, are 56782  
subject to section 5739.035 of the Revised Code. On and after 56783  
January 1, 2005, any vendor may irrevocably elect to comply with 56784  
divisions (C) to (I) of this section for all of the vendor's sales 56785  
and places of business in this state. 56786

The amount of tax due pursuant to sections 5739.02, 5739.021, 56787  
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 56788  
imposed pursuant to those sections at the sourcing location of the 56789  
sale as determined under this section or, if applicable, under 56790  
division (C) of section 5739.031 or section 5739.034 of the 56791  
Revised Code, or at the situs of the sale as determined under 56792  
section 5739.035 of the Revised Code. This section applies only to 56793  
a vendor's or seller's obligation to collect and remit sales taxes 56794  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 56795  
Revised Code or use taxes under section 5741.02, 5741.021, 56796  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 56797  
section does not apply in determining the jurisdiction for which 56798  
sellers are required to collect the use tax under section 5741.05 56799  
of the Revised Code. This section does not affect the obligation 56800  
of a consumer to remit use taxes on the storage, use, or other 56801



consumption of tangible personal property or on the benefit 56802  
realized of any service provided, to the jurisdiction of that 56803  
storage, use, or consumption, or benefit realized. 56804

(B)(1) As used in this division: 56805

(a) "Delivery sale" means the taxable sale of tangible 56806  
personal property or a service that is received by a consumer, or 56807  
a donee designated by the consumer, in a taxing jurisdiction that 56808  
is not the taxing jurisdiction in which the vendor has a fixed 56809  
place of business. 56810

(b) "Agreement" has the same meaning as in section 5740.01 of 56811  
the Revised Code. 56812

(c) "Governing board" has the same meaning as in section 56813  
5740.02 of the Revised Code. 56814

(2)(a) A vendor with total delivery sales in calendar year 56815  
2005 that are less than thirty million dollars may continue to 56816  
situs its sales under section 5739.035 of the Revised Code from 56817  
May 1, 2006, through April 30, 2007, except that, if the tax 56818  
commissioner does not enter a determination in the commissioner's 56819  
journal under division (B)(2)(b) of this section, those dates 56820  
shall be May 1, 2006, through December 31, 2007. 56821

(b) On or before February 1, 2007, the tax commissioner shall 56822  
determine whether certified service provider services are being 56823  
provided by the governing board of the streamlined sales and use 56824  
tax agreement for all delivery sales. If the commissioner 56825  
determines that such services are being so provided, the 56826  
commissioner shall enter the determination in the commissioner's 56827  
journal and shall provide notice of the determination on the 56828  
department of taxation's official internet web site. If the 56829  
commissioner makes such an entry in the journal, then a vendor 56830  
with total delivery sales in calendar year 2006 that are less than 56831  
five million dollars may continue to situs its sales under section 56832

5739.035 of the Revised Code from May 1, 2007, through December 31, 2007. 56833  
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(3) Beginning January 1, 2008, all vendors shall source their sales under divisions (C) to (I) of this section. 56835  
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(4) Once a vendor has total delivery sales that exceed the dollar amount in division (B)(2)(a) or (b) of this section, the vendor shall source its sales under divisions (C) to (I) of this section and shall continue to source its sales under those divisions, regardless of the amount of the vendor's total delivery sales in future years. 56837  
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(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows: 56843  
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(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business. 56848  
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(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee. 56852  
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(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith. 56858  
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(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad

faith, the vendor is relieved of any further obligation to collect 56928  
tax on any transaction where the vendor has collected tax pursuant 56929  
to the information certified by the business consumer. 56930

(3) When the vendor knows that the digital good, computer 56931  
software, or service will be concurrently available for use in 56932  
more than one jurisdiction, and the business consumer does not 56933  
have a direct pay permit and does not provide to the vendor an 56934  
exemption certificate claiming multiple points of use as required 56935  
in division (D)(1) of this section, or certification pursuant to 56936  
division (D)(2) of this section, the vendor shall collect and 56937  
remit the tax based on division (C) of this section. 56938

(4) Nothing in this section shall limit a person's obligation 56939  
for sales or use tax to any state in which a digital good, 56940  
computer software, or service is concurrently available for use, 56941  
nor limit a person's ability under local, state, or federal law, 56942  
to claim a credit for sales or use taxes legally due and paid to 56943  
other jurisdictions. 56944

(E) A person who holds a direct payment permit issued under 56945  
section 5739.031 of the Revised Code is not required to deliver an 56946  
exemption certificate claiming multiple points of use to a vendor. 56947  
But such permit holder shall comply with division (D)(2) of this 56948  
section in apportioning the tax due on a digital good, computer 56949  
software, or a service for use in business that will be 56950  
concurrently available for use in more than one taxing 56951  
jurisdiction. 56952

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 56953  
section, the consumer of direct mail that is not a holder of a 56954  
direct payment permit shall provide to the vendor in conjunction 56955  
with the sale either an exemption certificate claiming direct mail 56956  
prescribed by the tax commissioner, or information to show the 56957  
jurisdictions to which the direct mail is delivered to recipients. 56958

(2) Upon receipt of such exemption certificate, the vendor is 56959  
relieved of all obligations to collect, pay, or remit the 56960  
applicable tax and the consumer is obligated to pay that tax on a 56961  
direct pay basis. An exemption certificate claiming direct mail 56962  
shall remain in effect for all future sales of direct mail by the 56963  
vendor to the consumer until it is revoked in writing. 56964

(3) Upon receipt of information from the consumer showing the 56965  
jurisdictions to which the direct mail is delivered to recipients, 56966  
the vendor shall collect the tax according to the delivery 56967  
information provided by the consumer. In the absence of bad faith, 56968  
the vendor is relieved of any further obligation to collect tax on 56969  
any transaction where the vendor has collected tax pursuant to the 56970  
delivery information provided by the consumer. 56971

(4) If the consumer of direct mail does not have a direct 56972  
payment permit and does not provide the vendor with either an 56973  
exemption certificate claiming direct mail or delivery information 56974  
as required by division (F)(1) of this section, the vendor shall 56975  
collect the tax according to division (C)(5) of this section. 56976  
Nothing in division (F)(4) of this section shall limit a 56977  
consumer's obligation to pay sales or use tax to any state to 56978  
which the direct mail is delivered. 56979

(5) If a consumer of direct mail provides the vendor with 56980  
documentation of direct payment authority, the consumer shall not 56981  
be required to provide an exemption certificate claiming direct 56982  
mail or delivery information to the vendor. 56983

(G) If the vendor provides lodging to transient guests as 56984  
specified in division (B)(2) of section 5739.01 of the Revised 56985  
Code, the sale shall be sourced to the location where the lodging 56986  
is located. 56987

(H)(1) As used in this division and division (I) of this 56988  
section, "transportation equipment" means any of the following: 56989

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.	56990 56991
(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.	56992 56993 56994 56995 56996 56997 56998 56999
(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	57000 57001 57002 57003
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	57004 57005 57006
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	57007 57008
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	57009 57010 57011
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	57012 57013
(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:	57014 57015 57016 57017
(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code	57018 57019

shall be sourced to the primary property location at the time the 57020  
lease or rental is consummated. Any subsequent taxable charges on 57021  
the lease or rental shall be sourced to the primary property 57022  
location for the period in which the charges are incurred. 57023

(ii) For a lease or rental taxed pursuant to division (A)(3) 57024  
of section 5739.02 of the Revised Code, each lease or rental 57025  
installment shall be sourced to the primary property location for 57026  
the period covered by the installment. 57027

(b) In the case of a lease or rental of all other tangible 57028  
personal property, other than transportation equipment, such lease 57029  
or rental shall be sourced as follows: 57030

(i) An accelerated tax payment on a lease or rental that is 57031  
taxed pursuant to division (A)(2) of section 5739.02 of the 57032  
Revised Code shall be sourced pursuant to division (C) of this 57033  
section at the time the lease or rental is consummated. Any 57034  
subsequent taxable charges on the lease or rental shall be sourced 57035  
to the primary property location for the period in which the 57036  
charges are incurred. 57037

(ii) For a lease or rental that is taxed pursuant to division 57038  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 57039  
or rental installment shall be sourced pursuant to division (C) of 57040  
this section. Each subsequent installment shall be sourced to the 57041  
primary property location for the period covered by the 57042  
installment. 57043

(3) As used in division (I) of this section, "primary 57044  
property location" means an address for tangible personal property 57045  
provided by the lessee or renter that is available to the lessor 57046  
or owner from its records maintained in the ordinary course of 57047  
business, when use of that address does not constitute bad faith. 57048

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 57049



resolution adopted by a majority of the members of the board, levy 57050  
an excise tax not to exceed three per cent on transactions by 57051  
which lodging by a hotel is or is to be furnished to transient 57052  
guests. The board shall establish all regulations necessary to 57053  
provide for the administration and allocation of the tax. The 57054  
regulations may prescribe the time for payment of the tax, and may 57055  
provide for the imposition of a penalty or interest, or both, for 57056  
late payments, provided that the penalty does not exceed ten per 57057  
cent of the amount of tax due, and the rate at which interest 57058  
accrues does not exceed the rate per annum prescribed pursuant to 57059  
section 5703.47 of the Revised Code. Except as provided in 57060  
divisions (A)(2), (3), (4), ~~and~~ (5), (6), and (7) of this section, 57061  
the regulations shall provide, after deducting the real and actual 57062  
costs of administering the tax, for the return to each municipal 57063  
corporation or township that does not levy an excise tax on the 57064  
transactions, a uniform percentage of the tax collected in the 57065  
municipal corporation or in the unincorporated portion of the 57066  
township from each transaction, not to exceed thirty-three and 57067  
one-third per cent. The remainder of the revenue arising from the 57068  
tax shall be deposited in a separate fund and shall be spent 57069  
solely to make contributions to the convention and visitors' 57070  
bureau operating within the county, including a pledge and 57071  
contribution of any portion of the remainder pursuant to an 57072  
agreement authorized by section 307.695 of the Revised Code, 57073  
provided that if the board of county commissioners of an eligible 57074  
county as defined in section 307.695 of the Revised Code adopts a 57075  
resolution amending a resolution levying a tax under this division 57076  
to provide that the revenue from the tax shall be used by the 57077  
board as described in division (H) of section 307.695 of the 57078  
Revised Code, the remainder of the revenue shall be used as 57079  
described in the resolution making that amendment. Except as 57080  
provided in division (A)(2), (3), (4), ~~or~~ (5), (6), or (7) or (H) 57081  
of this section, on and after May 10, 1994, a board of county 57082

commissioners may not levy an excise tax pursuant to this division 57083  
in any municipal corporation or township located wholly or partly 57084  
within the county that has in effect an ordinance or resolution 57085  
levying an excise tax pursuant to division (B) of this section. 57086  
The board of a county that has levied a tax under division (C) of 57087  
this section may, by resolution adopted within ninety days after 57088  
July 15, 1985, by a majority of the members of the board, amend 57089  
the resolution levying a tax under this division to provide for a 57090  
portion of that tax to be pledged and contributed in accordance 57091  
with an agreement entered into under section 307.695 of the 57092  
Revised Code. A tax, any revenue from which is pledged pursuant to 57093  
such an agreement, shall remain in effect at the rate at which it 57094  
is imposed for the duration of the period for which the revenue 57095  
from the tax has been so pledged. 57096

The board of county commissioners of an eligible county as 57097  
defined in section 307.695 of the Revised Code may, by resolution 57098  
adopted by a majority of the members of the board, amend a 57099  
resolution levying a tax under this division to provide that the 57100  
revenue from the tax shall be used by the board as described in 57101  
division (H) of section 307.695 of the Revised Code, in which case 57102  
the tax shall remain in effect at the rate at which it was imposed 57103  
for the duration of any agreement entered into by the board under 57104  
section 307.695 of the Revised Code, the duration during which any 57105  
securities issued by the board under that section are outstanding, 57106  
or the duration of the period during which the board owns a 57107  
project as defined in section 307.695 of the Revised Code, 57108  
whichever duration is longest. 57109

(2) A board of county commissioners that levies an excise tax 57110  
under division (A)(1) of this section on June 30, 1997, at a rate 57111  
of three per cent, and that has pledged revenue from the tax to an 57112  
agreement entered into under section 307.695 of the Revised Code 57113  
or, in the case of the board of county commissioners of an 57114

eligible county as defined in section 307.695 of the Revised Code, 57115  
has amended a resolution levying a tax under division (C) of this 57116  
section to provide that proceeds from the tax shall be used by the 57117  
board as described in division (H) of section 307.695 of the 57118  
Revised Code, may, at any time by a resolution adopted by a 57119  
majority of the members of the board, amend the resolution levying 57120  
a tax under division (A)(1) of this section to provide for an 57121  
increase in the rate of that tax up to seven per cent on each 57122  
transaction; to provide that revenue from the increase in the rate 57123  
shall be used as described in division (H) of section 307.695 of 57124  
the Revised Code or be spent solely to make contributions to the 57125  
convention and visitors' bureau operating within the county to be 57126  
used specifically for promotion, advertising, and marketing of the 57127  
region in which the county is located; and to provide that the 57128  
rate in excess of the three per cent levied under division (A)(1) 57129  
of this section shall remain in effect at the rate at which it is 57130  
imposed for the duration of the period during which any agreement 57131  
is in effect that was entered into under section 307.695 of the 57132  
Revised Code by the board of county commissioners levying a tax 57133  
under division (A)(1) of this section, the duration of the period 57134  
during which any securities issued by the board under division (I) 57135  
of section 307.695 of the Revised Code are outstanding, or the 57136  
duration of the period during which the board owns a project as 57137  
defined in section 307.695 of the Revised Code, whichever duration 57138  
is longest. The amendment also shall provide that no portion of 57139  
that revenue need be returned to townships or municipal 57140  
corporations as would otherwise be required under division (A)(1) 57141  
of this section. 57142

(3) A board of county commissioners that levies a tax under 57143  
division (A)(1) of this section on March 18, 1999, at a rate of 57144  
three per cent may, by resolution adopted not later than 57145  
forty-five days after March 18, 1999, amend the resolution levying 57146  
the tax to provide for all of the following: 57147

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings 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.

(4) A board of county commissioners that levies a tax under 57179  
division (A)(1) of this section on June 30, 2002, at a rate of 57180  
three per cent may, by resolution adopted not later than September 57181  
30, 2002, amend the resolution levying the tax to provide for all 57182  
of the following: 57183

(a) That the rate of the tax shall be increased by not more 57184  
than an additional three and one-half per cent on each 57185  
transaction; 57186

(b) That all of the revenue from the increase in rate shall 57187  
be pledged and contributed to a convention facilities authority 57188  
established by the board of county commissioners under Chapter 57189  
351. of the Revised Code on or before May 15, 2002, and be used to 57190  
pay costs of constructing, expanding, maintaining, operating, or 57191  
promoting a convention center in the county, including paying 57192  
bonds, or notes issued in anticipation of bonds, as provided by 57193  
that chapter; 57194

(c) That no portion of the revenue arising from the increase 57195  
in rate need be returned to municipal corporations or townships as 57196  
otherwise required under division (A)(1) of this section; 57197

(d) That the increase in rate shall not be subject to 57198  
diminution by initiative or referendum or by law while any bonds, 57199  
or notes in anticipation of bonds, issued by the authority under 57200  
Chapter 351. of the Revised Code to which the revenue is pledged, 57201  
remain outstanding in accordance with their terms, unless 57202  
provision is made by law or by the board of county commissioners 57203  
for an adequate substitute therefor that is satisfactory to the 57204  
trustee if a trust agreement secures the bonds. 57205

As used in division (A)(4) of this section, "cost" has the 57206  
same meaning as in section 351.01 of the Revised Code, and 57207  
"convention center" has the same meaning as in section 307.695 of 57208  
the Revised Code. 57209

(5)(a) As used in division (A)(5) of this section:	57210
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	57211 57212
(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.	57213 57214 57215 57216 57217 57218 57219
(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:	57220 57221 57222 57223 57224
(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;	57225 57226 57227 57228
(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.	57229 57230 57231 57232
(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) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.	57233 57234 57235 57236 57237 57238 57239
<u>(6) A board of county commissioners of a county organized</u>	57240

under a county charter adopted pursuant to Article X, Section 3, 57241  
Ohio Constitution, and that levies an excise tax under division 57242  
(A)(1) of this section at a rate of three per cent and levies an 57243  
additional excise tax under division (E) of this section at a rate 57244  
of one and one-half per cent may, by resolution adopted not later 57245  
than January 1, 2008, by a majority of the members of the board, 57246  
amend the resolution levying a tax under division (A)(1) of this 57247  
section to provide for an increase in the rate of that tax by not 57248  
more than an additional one per cent on transactions by which 57249  
lodging by a hotel is or is to be furnished to transient guests. 57250  
Notwithstanding divisions (A)(1) and (E) of this section, the 57251  
resolution shall provide that all of the revenue from the increase 57252  
in rate, after deducting the real and actual costs of 57253  
administering the tax, shall be used to pay the costs of 57254  
improving, expanding, equipping, financing, or operating a 57255  
convention center by a convention and visitors' bureau in the 57256  
county. The increase in rate shall remain in effect for the period 57257  
specified in the resolution, not to exceed ten years. The increase 57258  
in rate shall be subject to the regulations adopted under division 57259  
(A)(1) of this section, except that the resolution may provide 57260  
that no portion of the revenue from the increase in the rate shall 57261  
be returned to townships or municipal corporations as would 57262  
otherwise be required under that division. 57263

(7) Division (A)(7) of this section applies only to a county 57264  
with a population greater than sixty-five thousand and less than 57265  
seventy thousand according to the most recent federal decennial 57266  
census and in which, on December 31, 2006, an excise tax is levied 57267  
under division (A)(1) of this section at a rate not less than and 57268  
not greater than three per cent, and in which the most recent 57269  
increase in the rate of that tax was enacted or took effect in 57270  
November 1984. 57271

The board of county commissioners of a county to which this 57272

division applies, by resolution adopted by a majority of the 57273  
members of the board, may increase the rate of the tax by not more 57274  
than one per cent on transactions by which lodging by a hotel is 57275  
or is to be furnished to transient guests. The increase in rate 57276  
shall be for the purpose of paying expenses deemed necessary by 57277  
the convention and visitors' bureau operating in the county to 57278  
promote travel and tourism. The increase in rate shall remain in 57279  
effect for the period specified in the resolution, not to exceed 57280  
twenty years, provided that the increase in rate may not continue 57281  
beyond the time when the purpose for which the increase is levied 57282  
ceases to exist. If revenue from the increase in rate is pledged 57283  
to the payment of debt charges on securities, the increase in rate 57284  
is not subject to diminution by initiative or referendum or by law 57285  
for so long as the securities are outstanding, unless provision is 57286  
made by law or by the board of county commissioners for an 57287  
adequate substitute for that revenue that is satisfactory to the 57288  
trustee if a trust agreement secures payment of the debt charges. 57289  
The increase in rate shall be subject to the regulations adopted 57290  
under division (A)(1) of this section, except that the resolution 57291  
may provide that no portion of the revenue from the increase in 57292  
the rate shall be returned to townships or municipal corporations 57293  
as would otherwise be required under division (A)(1) of this 57294  
section. A resolution adopted under division (A)(7) of this 57295  
section is subject to referendum under sections 305.31 to 305.99 57296  
of the Revised Code. 57297

(B)(1) The legislative authority of a municipal corporation 57298  
or the board of trustees of a township that is not wholly or 57299  
partly located in a county that has in effect a resolution levying 57300  
an excise tax pursuant to division (A)(1) of this section may, by 57301  
ordinance or resolution, levy an excise tax not to exceed three 57302  
per cent on transactions by which lodging by a hotel is or is to 57303  
be furnished to transient guests. The legislative authority of the 57304  
municipal corporation or the board of trustees of the township 57305



shall deposit at least fifty per cent of the revenue from the tax 57306  
levied pursuant to this division into a separate fund, which shall 57307  
be spent solely to make contributions to convention and visitors' 57308  
bureaus operating within the county in which the municipal 57309  
corporation or township is wholly or partly located, and the 57310  
balance of that revenue shall be deposited in the general fund. 57311  
The municipal corporation or township shall establish all 57312  
regulations necessary to provide for the administration and 57313  
allocation of the tax. The regulations may prescribe the time for 57314  
payment of the tax, and may provide for the imposition of a 57315  
penalty or interest, or both, for late payments, provided that the 57316  
penalty does not exceed ten per cent of the amount of tax due, and 57317  
the rate at which interest accrues does not exceed the rate per 57318  
annum prescribed pursuant to section 5703.47 of the Revised Code. 57319  
The levy of a tax under this division is in addition to any tax 57320  
imposed on the same transaction by a municipal corporation or a 57321  
township as authorized by division (A) of section 5739.08 of the 57322  
Revised Code. 57323

(2) The legislative authority of the most populous municipal 57324  
corporation located wholly or partly in a county in which the 57325  
board of county commissioners has levied a tax under division 57326  
(A)(4) of this section may amend, on or before September 30, 2002, 57327  
that municipal corporation's ordinance or resolution that levies 57328  
an excise tax on transactions by which lodging by a hotel is or is 57329  
to be furnished to transient guests, to provide for all of the 57330  
following: 57331

(a) That the rate of the tax shall be increased by not more 57332  
than an additional one per cent on each transaction; 57333

(b) That all of the revenue from the increase in rate shall 57334  
be pledged and contributed to a convention facilities authority 57335  
established by the board of county commissioners under Chapter 57336  
351. of the Revised Code on or before May 15, 2002, and be used to 57337

pay costs of constructing, expanding, maintaining, operating, or 57338  
promoting a convention center in the county, including paying 57339  
bonds, or notes issued in anticipation of bonds, as provided by 57340  
that chapter; 57341

(c) That the increase in rate shall not be subject to 57342  
diminution by initiative or referendum or by law while any bonds, 57343  
or notes in anticipation of bonds, issued by the authority under 57344  
Chapter 351. of the Revised Code to which the revenue is pledged, 57345  
remain outstanding in accordance with their terms, unless 57346  
provision is made by law, by the board of county commissioners, or 57347  
by the legislative authority, for an adequate substitute therefor 57348  
that is satisfactory to the trustee if a trust agreement secures 57349  
the bonds. 57350

As used in division (B)(2) of this section, "cost" has the 57351  
same meaning as in section 351.01 of the Revised Code, and 57352  
"convention center" has the same meaning as in section 307.695 of 57353  
the Revised Code. 57354

(C) For the purposes described in section 307.695 of the 57355  
Revised Code and to cover the costs of administering the tax, a 57356  
board of county commissioners of a county where a tax imposed 57357  
under division (A)(1) of this section is in effect may, by 57358  
resolution adopted within ninety days after July 15, 1985, by a 57359  
majority of the members of the board, levy an additional excise 57360  
tax not to exceed three per cent on transactions by which lodging 57361  
by a hotel is or is to be furnished to transient guests. The tax 57362  
authorized by this division shall be in addition to any tax that 57363  
is levied pursuant to division (A) of this section, but it shall 57364  
not apply to transactions subject to a tax levied by a municipal 57365  
corporation or township pursuant to the authorization granted by 57366  
division (A) of section 5739.08 of the Revised Code. The board 57367  
shall establish all regulations necessary to provide for the 57368  
administration and allocation of the tax. The regulations may 57369

prescribe the time for payment of the tax, and may provide for the 57370  
imposition of a penalty or interest, or both, for late payments, 57371  
provided that the penalty does not exceed ten per cent of the 57372  
amount of tax due, and the rate at which interest accrues does not 57373  
exceed the rate per annum prescribed pursuant to section 5703.47 57374  
of the Revised Code. All revenues arising from the tax shall be 57375  
expended in accordance with section 307.695 of the Revised Code. 57376  
The board of county commissioners of an eligible county as defined 57377  
in section 307.695 of the Revised Code may, by resolution adopted 57378  
by a majority of the members of the board, amend the resolution 57379  
levying a tax under this division to provide that the revenue from 57380  
the tax shall be used by the board as described in division (H) of 57381  
section 307.695 of the Revised Code. A tax imposed under this 57382  
division shall remain in effect at the rate at which it is imposed 57383  
for the duration of the period during which any agreement entered 57384  
into by the board under section 307.695 of the Revised Code is in 57385  
effect, the duration of the period during which any securities 57386  
issued by the board under division (I) of section 307.695 of the 57387  
Revised Code are outstanding, or the duration of the period during 57388  
which the board owns a project as defined in section 307.695 of 57389  
the Revised Code, whichever duration is longest. 57390

(D) For the purpose of providing contributions under division 57391  
(B)(1) of section 307.671 of the Revised Code to enable the 57392  
acquisition, construction, and equipping of a port authority 57393  
educational and cultural facility in the county and, to the extent 57394  
provided for in the cooperative agreement authorized by that 57395  
section, for the purpose of paying debt service charges on bonds, 57396  
or notes in anticipation of bonds, described in division (B)(1)(b) 57397  
of that section, a board of county commissioners, by resolution 57398  
adopted within ninety days after December 22, 1992, by a majority 57399  
of the members of the board, may levy an additional excise tax not 57400  
to exceed one and one-half per cent on transactions by which 57401  
lodging by a hotel is or is to be furnished to transient guests. 57402

The excise tax authorized by this division shall be in addition to 57403  
any tax that is levied pursuant to divisions (A), (B), and (C) of 57404  
this section, to any excise tax levied pursuant to section 5739.08 57405  
of the Revised Code, and to any excise tax levied pursuant to 57406  
section 351.021 of the Revised Code. The board of county 57407  
commissioners shall establish all regulations necessary to provide 57408  
for the administration and allocation of the tax that are not 57409  
inconsistent with this section or section 307.671 of the Revised 57410  
Code. The regulations may prescribe the time for payment of the 57411  
tax, and may provide for the imposition of a penalty or interest, 57412  
or both, for late payments, provided that the penalty does not 57413  
exceed ten per cent of the amount of tax due, and the rate at 57414  
which interest accrues does not exceed the rate per annum 57415  
prescribed pursuant to section 5703.47 of the Revised Code. All 57416  
revenues arising from the tax shall be expended in accordance with 57417  
section 307.671 of the Revised Code and division (D) of this 57418  
section. The levy of a tax imposed under this division may not 57419  
commence prior to the first day of the month next following the 57420  
execution of the cooperative agreement authorized by section 57421  
307.671 of the Revised Code by all parties to that agreement. The 57422  
tax shall remain in effect at the rate at which it is imposed for 57423  
the period of time described in division (C) of section 307.671 of 57424  
the Revised Code for which the revenue from the tax has been 57425  
pledged by the county to the corporation pursuant to that section, 57426  
but, to any extent provided for in the cooperative agreement, for 57427  
no lesser period than the period of time required for payment of 57428  
the debt service charges on bonds, or notes in anticipation of 57429  
bonds, described in division (B)(1)(b) of that section. 57430

(E) For the purpose of paying the costs of acquiring, 57431  
constructing, equipping, and improving a municipal educational and 57432  
cultural facility, including debt service charges on bonds 57433  
provided for in division (B) of section 307.672 of the Revised 57434  
Code, and for any additional purposes determined by the county in 57435

the resolution levying the tax or amendments to the resolution, 57436  
including subsequent amendments providing for paying costs of 57437  
acquiring, constructing, renovating, rehabilitating, equipping, 57438  
and improving a port authority educational and cultural performing 57439  
arts facility, as defined in section 307.674 of the Revised Code, 57440  
and including debt service charges on bonds provided for in 57441  
division (B) of section 307.674 of the Revised Code, the 57442  
legislative authority of a county, by resolution adopted within 57443  
ninety days after June 30, 1993, by a majority of the members of 57444  
the legislative authority, may levy an additional excise tax not 57445  
to exceed one and one-half per cent on transactions by which 57446  
lodging by a hotel is or is to be furnished to transient guests. 57447  
The excise tax authorized by this division shall be in addition to 57448  
any tax that is levied pursuant to divisions (A), (B), (C), and 57449  
(D) of this section, to any excise tax levied pursuant to section 57450  
5739.08 of the Revised Code, and to any excise tax levied pursuant 57451  
to section 351.021 of the Revised Code. The legislative authority 57452  
of the county shall establish all regulations necessary to provide 57453  
for the administration and allocation of the tax. The regulations 57454  
may prescribe the time for payment of the tax, and may provide for 57455  
the imposition of a penalty or interest, or both, for late 57456  
payments, provided that the penalty does not exceed ten per cent 57457  
of the amount of tax due, and the rate at which interest accrues 57458  
does not exceed the rate per annum prescribed pursuant to section 57459  
5703.47 of the Revised Code. All revenues arising from the tax 57460  
shall be expended in accordance with section 307.672 of the 57461  
Revised Code and this division. The levy of a tax imposed under 57462  
this division shall not commence prior to the first day of the 57463  
month next following the execution of the cooperative agreement 57464  
authorized by section 307.672 of the Revised Code by all parties 57465  
to that agreement. The tax shall remain in effect at the rate at 57466  
which it is imposed for the period of time determined by the 57467  
legislative authority of the county, ~~but.~~ That period of time 57468

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 legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code. All revenues arising from the amendment and extension of the tax shall be expended in accordance with section

307.674 of the Revised Code, this division, and division (E) of 57502  
this section. 57503

(G) For purposes of a tax levied by a county, township, or 57504  
municipal corporation under this section or section 5739.08 of the 57505  
Revised Code, a board of county commissioners, board of township 57506  
trustees, or the legislative authority of a municipal corporation 57507  
may adopt a resolution or ordinance at any time specifying that 57508  
"hotel," as otherwise defined in section 5739.01 of the Revised 57509  
Code, includes establishments in which fewer than five rooms are 57510  
used for the accommodation of guests. The resolution or ordinance 57511  
may apply to a tax imposed pursuant to this section prior to the 57512  
adoption of the resolution or ordinance if the resolution or 57513  
ordinance so states, but the tax shall not apply to transactions 57514  
by which lodging by such an establishment is provided to transient 57515  
guests prior to the adoption of the resolution or ordinance. 57516

(H)(1) As used in this division: 57517

(a) "Convention facilities authority" has the same meaning as 57518  
in section 351.01 of the Revised Code. 57519

(b) "Convention center" has the same meaning as in section 57520  
307.695 of the Revised Code. 57521

(2) Notwithstanding any contrary provision of division (D) of 57522  
this section, the legislative authority of a county with a 57523  
population of one million or more according to the most recent 57524  
federal decennial census that has levied a tax under division (D) 57525  
of this section may, by resolution adopted by a majority of the 57526  
members of the legislative authority, provide for the extension of 57527  
such levy and may provide that the proceeds of that tax, to the 57528  
extent that they are no longer needed for their original purpose 57529  
as defined by a cooperative agreement entered into under section 57530  
307.671 of the Revised Code, shall be deposited into the county 57531  
general revenue fund. The resolution shall provide for the 57532

extension of the tax at a rate not to exceed the rate specified in 57533  
division (D) of this section for a period of time determined by 57534  
the legislative authority of the county, but not to exceed an 57535  
additional forty years. 57536

(3) The legislative authority of a county with a population 57537  
of one million or more that has levied a tax under division (A)(1) 57538  
of this section may, by resolution adopted by a majority of the 57539  
members of the legislative authority, increase the rate of the tax 57540  
levied by such county under division (A)(1) of this section to a 57541  
rate not to exceed five per cent on transactions by which lodging 57542  
by a hotel is or is to be furnished to transient guests. 57543  
Notwithstanding any contrary provision of division (A)(1) of this 57544  
section, the resolution may provide that all collections resulting 57545  
from the rate levied in excess of three per cent, after deducting 57546  
the real and actual costs of administering the tax, shall be 57547  
deposited in the county general fund. 57548

(4) The legislative authority of a county with a population 57549  
of one million or more that has levied a tax under division (A)(1) 57550  
of this section may, by resolution adopted on or before August 30, 57551  
2004, by a majority of the members of the legislative authority, 57552  
provide that all or a portion of the proceeds of the tax levied 57553  
under division (A)(1) of this section, after deducting the real 57554  
and actual costs of administering the tax and the amounts required 57555  
to be returned to townships and municipal corporations with 57556  
respect to the first three per cent levied under division (A)(1) 57557  
of this section, shall be deposited in the county general fund, 57558  
provided that such proceeds shall be used to satisfy any pledges 57559  
made in connection with an agreement entered into under section 57560  
307.695 of the Revised Code. 57561

(5) No amount collected from a tax levied, extended, or 57562  
required to be deposited in the county general fund under division 57563  
(H) of this section shall be contributed to a convention 57564



facilities authority, corporation, or other entity created after 57565  
July 1, 2003, for the principal purpose of constructing, 57566  
improving, expanding, equipping, financing, or operating a 57567  
convention center unless the mayor of the municipal corporation in 57568  
which the convention center is to be operated by that convention 57569  
facilities authority, corporation, or other entity has consented 57570  
to the creation of that convention facilities authority, 57571  
corporation, or entity. Notwithstanding any contrary provision of 57572  
section 351.04 of the Revised Code, if a tax is levied by a county 57573  
under division (H) of this section, the board of county 57574  
commissioners of that county may determine the manner of 57575  
selection, the qualifications, the number, and terms of office of 57576  
the members of the board of directors of any convention facilities 57577  
authority, corporation, or other entity described in division 57578  
(H)(5) of this section. 57579

(6)(a) No amount collected from a tax levied, extended, or 57580  
required to be deposited in the county general fund under division 57581  
(H) of this section may be used for any purpose other than paying 57582  
the direct and indirect costs of constructing, improving, 57583  
expanding, equipping, financing, or operating a convention center 57584  
and for the real and actual costs of administering the tax, 57585  
unless, prior to the adoption of the resolution of the legislative 57586  
authority of the county authorizing the levy, extension, increase, 57587  
or deposit, the county and the mayor of the most populous 57588  
municipal corporation in that county have entered into an 57589  
agreement as to the use of such amounts, provided that such 57590  
agreement has been approved by a majority of the mayors of the 57591  
other municipal corporations in that county. The agreement shall 57592  
provide that the amounts to be used for purposes other than paying 57593  
the convention center or administrative costs described in 57594  
division (H)(6)(a) of this section be used only for the direct and 57595  
indirect costs of capital improvements, including the financing of 57596  
capital improvements. 57597

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (H)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original

purpose as defined by a cooperative agreement entered into under 57629  
section 307.671 of the Revised Code and after deducting the real 57630  
and actual costs of administering the tax, shall be used for 57631  
paying the direct and indirect costs of constructing, improving, 57632  
expanding, equipping, financing, or operating a convention center. 57633  
The resolution shall provide for the extension of the tax at a 57634  
rate not to exceed the rate specified in division (D) of this 57635  
section for a period of time determined by the legislative 57636  
authority of the county, but not to exceed an additional forty 57637  
years. 57638

(3) The legislative authority of a county with a population 57639  
of one million two hundred thousand or more that has levied a tax 57640  
under division (A)(1) of this section may, by resolution adopted 57641  
by a majority of the members of the legislative authority, 57642  
increase the rate of the tax levied by such county under division 57643  
(A)(1) of this section to a rate not to exceed five per cent on 57644  
transactions by which lodging by a hotel is or is to be furnished 57645  
to transient guests. Notwithstanding any contrary provision of 57646  
division (A)(1) of this section, the resolution shall provide that 57647  
all collections resulting from the rate levied in excess of three 57648  
per cent, after deducting the real and actual costs of 57649  
administering the tax, shall be used for paying the direct and 57650  
indirect costs of constructing, improving, expanding, equipping, 57651  
financing, or operating a convention center. 57652

(4) The legislative authority of a county with a population 57653  
of one million two hundred thousand or more that has levied a tax 57654  
under division (A)(1) of this section may, by resolution adopted 57655  
on or before July 1, 2008, by a majority of the members of the 57656  
legislative authority, provide that all or a portion of the 57657  
proceeds of the tax levied under division (A)(1) of this section, 57658  
after deducting the real and actual costs of administering the tax 57659  
and the amounts required to be returned to townships and municipal 57660

corporations with respect to the first three per cent levied under 57661  
division (A)(1) of this section, shall be used to satisfy any 57662  
pledges made in connection with an agreement entered into under 57663  
section 307.695 of the Revised Code or shall otherwise be used for 57664  
paying the direct and indirect costs of constructing, improving, 57665  
expanding, equipping, financing, or operating a convention center. 57666

(5) Any amount collected from a tax levied or extended under 57667  
division (I) of this section may be contributed to a convention 57668  
facilities authority created before July 1, 2005, but no amount 57669  
collected from a tax levied or extended under division (I) of this 57670  
section may be contributed to a convention facilities authority, 57671  
corporation, or other entity created after July 1, 2005, unless 57672  
the mayor of the municipal corporation in which the convention 57673  
center is to be operated by that convention facilities authority, 57674  
corporation, or other entity has consented to the creation of that 57675  
convention facilities authority, corporation, or entity. 57676

**Sec. 5739.12.** (A) Each person who has or is required to have 57677  
a vendor's license, on or before the twenty-third day of each 57678  
month, shall make and file a return for the preceding month, on 57679  
forms prescribed by the tax commissioner, and shall pay the tax 57680  
shown on the return to be due. The commissioner may require a 57681  
vendor that operates from multiple locations or has multiple 57682  
vendor's licenses to report all tax liabilities on one 57683  
consolidated return. The return shall show the amount of tax due 57684  
from the vendor to the state for the period covered by the return 57685  
and such other information as the commissioner deems necessary for 57686  
the proper administration of this chapter. The commissioner may 57687  
extend the time for making and filing returns and paying the tax, 57688  
and may require that the return for the last month of any annual 57689  
or semiannual period, as determined by the commissioner, be a 57690  
reconciliation return detailing the vendor's sales activity for 57691  
the preceding annual or semiannual period. The reconciliation 57692

return shall be filed by the last day of the month following the 57693  
last month of the annual or semiannual period. The commissioner 57694  
may remit all or any part of amounts or penalties that may become 57695  
due under this chapter and may adopt rules relating thereto. Such 57696  
return shall be filed by mailing it to the tax commissioner, 57697  
together with payment of the amount of tax shown to be due thereon 57698  
after deduction of any discount provided for under this section. 57699  
Remittance shall be made payable to the treasurer of state. The 57700  
return shall be considered filed when received by the tax 57701  
commissioner, and the payment shall be considered made when 57702  
received by the tax commissioner or when credited to an account 57703  
designated by the treasurer of state or the tax commissioner. 57704

(B)(1) If the return is filed and the amount of tax shown 57705  
thereon to be due is paid on or before the date such return is 57706  
required to be filed, the vendor shall be entitled to ~~the~~ 57707  
~~following a discount of~~: 57708

~~(1)(a)~~ On and after July 1, 2005, and on and before June 30, 57709  
2007, nine-tenths of one per cent of the amount shown to be due on 57710  
the return; 57711

~~(2)(b)~~ On and after July 1, 2007, three-fourths of one per 57712  
cent of the amount shown to be due on the return. 57713

(2) A vendor that has selected a certified service provider 57714  
as its agent shall not be entitled to the discount if the 57715  
certified service provider receives a monetary allowance pursuant 57716  
to section 5739.06 of the Revised Code for performing the vendor's 57717  
sales and use tax functions in this state. Amounts paid to the 57718  
clerk of courts pursuant to section 4505.06 of the Revised Code 57719  
shall be subject to the applicable discount. The discount shall be 57720  
in consideration for prompt payment to the clerk of courts and for 57721  
other services performed by the vendor in the collection of the 57722  
tax. 57723

(C)(1) Upon application to the commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the tax commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed by mailing or delivering it to the tax commissioner, together with payment of the amount of tax shown to be due thereon after deduction of any discount provided in this section. Remittance shall be made payable to the treasurer of state. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based upon the average monthly liability for a period not to exceed two years. The amount ascertained by the commissioner to be the average monthly tax liability of a vendor may be adjusted, based upon a review of the returns or other information pertaining to the vendor for a period of not less than six months nor more than two years preceding such adjustment.

(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 57757  
the amount of tax shown to be due thereon, at the time specified 57758  
by the commissioner, but a vendor that has selected a certified 57759  
service provider as its agent shall not be entitled to the 57760  
discount. 57761

(D) Any vendor who fails to file a return or pay the full 57762  
amount of the tax shown on the return to be due under this section 57763  
and the rules of the commissioner may, for each such return the 57764  
vendor fails to file or each such tax the vendor fails to pay in 57765  
full as shown on the return within the period prescribed by this 57766  
section and the rules of the commissioner, be required to forfeit 57767  
and pay into the state treasury an additional charge not exceeding 57768  
fifty dollars or ten per cent of the tax required to be paid for 57769  
the reporting period, whichever is greater, as revenue arising 57770  
from the tax imposed by this chapter, and such sum may be 57771  
collected by assessment in the manner provided in section 5739.13 57772  
of the Revised Code. The commissioner may remit all or a portion 57773  
of the additional charge and may adopt rules relating to the 57774  
imposition and remission of the additional charge. 57775

(E) If the amount required to be collected by a vendor from 57776  
consumers is in excess of the applicable percentage of the 57777  
vendor's receipts from sales that are taxable under section 57778  
5739.02 of the Revised Code, or in the case of sales subject to a 57779  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 57780  
the Revised Code, in excess of the percentage equal to the 57781  
aggregate rate of such taxes and the tax levied by section 5739.02 57782  
of the Revised Code, such excess shall be remitted along with the 57783  
remittance of the amount of tax due under section 5739.10 of the 57784  
Revised Code. 57785

(F) The commissioner, if the commissioner deems it necessary 57786  
in order to insure the payment of the tax imposed by this chapter, 57787  
may require returns and payments to be made for other than monthly 57788

periods. The returns shall be signed by the vendor or the vendor's 57789  
authorized agent. 57790

(G) Any vendor required to file a return and pay the tax 57791  
under this section, whose total payment equals or exceeds the 57792  
amount shown in division (A) of section 5739.122 of the Revised 57793  
Code, shall make each payment required by this section in the 57794  
second ensuing and each succeeding year by electronic funds 57795  
transfer as prescribed by, and on or before the dates specified 57796  
in, section 5739.122 of the Revised Code, except as otherwise 57797  
prescribed by that section. For a vendor that operates from 57798  
multiple locations or has multiple vendor's licenses, in 57799  
determining whether the vendor's total payment equals or exceeds 57800  
the amount shown in division (A) of that section, the vendor's 57801  
total payment amount shall be the amount of the vendor's total tax 57802  
liability for the previous calendar year for all of the vendor's 57803  
locations or licenses. 57804

**Sec. 5739.122.** (A) If the total amount of tax required to be 57805  
paid by a vendor under section 5739.12 of the Revised Code for any 57806  
calendar year equals or exceeds seventy-five thousand dollars, the 57807  
vendor shall remit each monthly tax payment in the second ensuing 57808  
and each succeeding tax year by electronic funds transfer as 57809  
prescribed by divisions (B) and (C) of this section. 57810

If a vendor's tax payment for each of two consecutive years 57811  
is less than seventy-five thousand dollars, the vendor is relieved 57812  
of the requirement to remit taxes by electronic funds transfer for 57813  
the year that next follows the second of the consecutive years in 57814  
which the tax payment is less than that amount, and is relieved of 57815  
that requirement for each succeeding year, unless the tax payment 57816  
in a subsequent year equals or exceeds seventy-five thousand 57817  
dollars. 57818

The tax commissioner shall notify each vendor required to 57819



remit taxes by electronic funds transfer of the vendor's 57820  
obligation to do so, shall maintain an updated list of those 57821  
vendors, and shall timely certify the list and any additions 57822  
thereto or deletions therefrom to the treasurer of state. Failure 57823  
by the tax commissioner to notify a vendor subject to this section 57824  
to remit taxes by electronic funds transfer does not relieve the 57825  
vendor of its obligation to remit taxes by electronic funds 57826  
transfer. 57827

(B) Vendors required by division (A) of this section to remit 57828  
payments by electronic funds transfer shall remit such payments to 57829  
the treasurer of state in the manner prescribed by this section 57830  
and rules adopted by the treasurer of state under section 113.061 57831  
of the Revised Code, and ~~on or before the following dates as~~ 57832  
follows: 57833

~~(1) On or before the fifteenth day of each month, a vendor 57834  
shall remit an amount equal to the taxes collected during the 57835  
first eleven days of the month. On or before the twenty-fifth day 57836  
of each month, a vendor shall remit an amount equal to the taxes 57837  
collected on the twelfth through the twenty-first day of the 57838  
month. 57839~~

~~(2) In lieu of remitting the actual amounts collected for the 57840  
periods specified in division (B)(1) of this section, a vendor 57841  
may, on or before each of the fifteenth and twenty-fifth days of 57842  
each month, remit an amount equal to thirty-seven and one-half per 57843  
cent of the vendor's total tax liability for the same month in the 57844  
preceding calendar year. 57845~~

~~(3) On or before the twenty-third day of each month, a vendor 57846  
shall remit an amount equal to seventy-five per cent of the 57847  
anticipated tax liability for that month. 57848~~

(2) On or before the twenty-third day of each month, a vendor 57849  
shall report the taxes collected for the previous month and shall 57850

remit that amount, less any amounts paid for that month as 57851  
required by division (B)(1) ~~or (2)~~ of this section. 57852

The payment of taxes by electronic funds transfer does not 57853  
affect a vendor's obligation to file the monthly return as 57854  
required under section 5739.12 of the Revised Code. 57855

(C) A vendor required by this section to remit taxes by 57856  
electronic funds transfer may apply to the treasurer of state in 57857  
the manner prescribed by the treasurer of state to be excused from 57858  
that requirement. The treasurer of state may excuse the vendor 57859  
from remittance by electronic funds transfer for good cause shown 57860  
for the period of time requested by the vendor or for a portion of 57861  
that period. The treasurer of state shall notify the tax 57862  
commissioner and the vendor of the treasurer of state's decision 57863  
as soon as is practicable. 57864

(D)(1)(a) If a vendor that is required to remit payments 57865  
under division (B) of this section fails to make a payment, or 57866  
makes a payment under division (B)(1) of this section that is less 57867  
than seventy-five per cent of the actual liability for that month, 57868  
the commissioner may impose an additional charge not to exceed 57869  
five per cent of that unpaid amount. 57870

(b) Division (D)(1)(a) of this section does not apply if the 57871  
vendor's payment under division (B)(1) of this section is equal to 57872  
or greater than seventy-five per cent of the vendor's reported 57873  
liability for the same month in the immediately preceding calendar 57874  
year. 57875

(2) If a vendor required by this section to remit taxes by 57876  
electronic funds transfer remits those taxes by some means other 57877  
than by electronic funds transfer as prescribed by this section 57878  
and the rules adopted by the treasurer of state, and the treasurer 57879  
of state determines that such failure was not due to reasonable 57880  
cause or was due to willful neglect, the treasurer of state shall 57881

notify the tax commissioner of the failure to remit by electronic 57882  
funds transfer and shall provide the commissioner with any 57883  
information used in making that determination. The tax 57884  
commissioner may impose an additional charge not to exceed the 57885  
lesser of five per cent of the amount of the taxes required to be 57886  
paid by electronic funds transfer or five thousand dollars. 57887

(3) Any additional charge imposed under division (D)(1) or 57888  
(2) of this section is in addition to any other penalty or charge 57889  
imposed under this chapter, and shall be considered as revenue 57890  
arising from taxes imposed under this chapter. An additional 57891  
charge may be collected by assessment in the manner prescribed by 57892  
section 5739.13 of the Revised Code. The tax commissioner may 57893  
waive all or a portion of such a charge and may adopt rules 57894  
governing such waiver. 57895

No additional charge shall be imposed under division (D)(2) 57896  
of this section against a vendor that has been notified of its 57897  
obligation to remit taxes under this section and that remits its 57898  
first two tax payments after such notification by some means other 57899  
than electronic funds transfer. The additional charge may be 57900  
imposed upon the remittance of any subsequent tax payment that the 57901  
vendor remits by some means other than electronic funds transfer. 57902

Sec. 5739.124. (A) If required by the tax commissioner, a 57903  
person required to make payments by electronic funds transfer 57904  
under section 5739.032 or 5739.122 of the Revised Code shall file 57905  
all returns and reports electronically. The commissioner may 57906  
require the person to use the Ohio business gateway, as defined in 57907  
section 718.051 of the Revised Code, or any other electronic 57908  
means, to file the returns and reports, or to remit the tax, in 57909  
lieu of the manner prescribed by the treasurer of state under 57910  
sections 5739.032 and 5739.122 of the Revised Code. 57911

(B) A person required under this section to file reports and 57912

returns electronically may apply to the commissioner to be excused 57913  
from that requirement. Applications shall be made on a form 57914  
prescribed by the commissioner. The commissioner may approve the 57915  
application for good cause. 57916

(C)(1) If a person required to file a report or return 57917  
electronically under this section fails to do so, the commissioner 57918  
may impose an additional charge not to exceed the following: 57919

(a) For each of the first two failures, five per cent of the 57920  
amount required to be reported on the report or return; 57921

(b) For the third and any subsequent failure, ten per cent of 57922  
the amount required to be reported on the report or return. 57923

(2) The charges authorized under division (C)(1) of this 57924  
section are in addition to any other charge or penalty authorized 57925  
under this chapter, and shall be considered as revenue arising 57926  
from taxes imposed under this chapter. An additional charge may be 57927  
collected by assessment in the manner prescribed by section 57928  
5739.13 of the Revised Code. The commissioner may waive all or a 57929  
portion of such a charge and may adopt rules governing such 57930  
waiver. 57931

**Sec. 5739.21.** (A) ~~Four and two tenths~~ One hundred per cent of 57932  
all money deposited into the state treasury under sections 5739.01 57933  
to 5739.31 of the Revised Code and not required to be distributed 57934  
as provided in section 5739.102 of the Revised Code or division 57935  
(B) of this section shall be credited to ~~the local government fund~~ 57936  
~~for distribution in accordance with section 5747.50 of the Revised~~ 57937  
~~Code, six tenths of one per cent shall be credited to the local~~ 57938  
~~government revenue assistance fund for distribution in accordance~~ 57939  
~~with section 5747.61 of the Revised Code, and ninety five and~~ 57940  
~~two tenths per cent shall be credited to the general revenue fund.~~ 57941  
57942

(B)(1) In any case where any county or transit authority has 57943  
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 57944  
5739.026 of the Revised Code, the tax commissioner shall, within 57945  
forty-five days after the end of each month, determine and certify 57946  
to the director of budget and management the amount of the 57947  
proceeds of such tax or taxes received during that month from 57948  
billings and assessments, or associated with tax returns or 57949  
reports filed during that month, to be returned to the county or 57950  
transit authority levying the tax or taxes. The amount to be 57951  
returned to each county and transit authority shall be a fraction 57952  
of the aggregate amount of money collected with respect to each 57953  
area in which one or more of such taxes are concurrently in effect 57954  
with the tax levied by section 5739.02 of the Revised Code. The 57955  
numerator of the fraction is the rate of the tax levied by the 57956  
county or transit authority and the denominator of the fraction is 57957  
the aggregate rate of such taxes applicable to such area. The 57958  
amount to be returned to each county or transit authority shall be 57959  
reduced by the amount of any refunds of county or transit 57960  
authority tax paid pursuant to section 5739.07 of the Revised Code 57961  
during the same month, or transfers made pursuant to division 57962  
(B)(2) of section 5703.052 of the Revised Code. 57963

(2) On a periodic basis, using the best information 57964  
available, the tax commissioner shall distribute any amount of a 57965  
county or transit authority tax that cannot be distributed under 57966  
division (B)(1) of this section. Through audit or other means, the 57967  
commissioner shall attempt to obtain the information necessary to 57968  
make the distribution as provided under that division and, on 57969  
receipt of that information, shall make adjustments to 57970  
distributions previously made under this division. 57971

(C) The aggregate amount to be returned to any county or 57972  
transit authority shall be reduced by one per cent, which shall be 57973  
certified directly to the credit of the local sales tax 57974

administrative fund, which is hereby created in the state 57975  
treasury. For the purpose of determining the amount to be returned 57976  
to a county and transit authority in which the rate of tax imposed 57977  
by the transit authority has been reduced under section 5739.028 57978  
of the Revised Code, the tax commissioner shall use the respective 57979  
rates of tax imposed by the county or transit authority that 57980  
results from the change in the rates authorized under that 57981  
section. 57982

(D) The director of budget and management shall transfer, 57983  
from the same funds and in the same proportions specified in 57984  
division (A) of this section, to the permissive tax distribution 57985  
fund created by division (B)(1) of section 4301.423 of the Revised 57986  
Code and to the local sales tax administrative fund, the amounts 57987  
certified by the tax commissioner. The tax commissioner shall 57988  
then, on or before the twentieth day of the month in which such 57989  
certification is made, provide for payment of such respective 57990  
amounts to the county treasurer and to the fiscal officer of the 57991  
transit authority levying the tax or taxes. The amount transferred 57992  
to the local sales tax administrative fund is for use by the tax 57993  
commissioner in defraying costs incurred in administering such 57994  
taxes levied by a county or transit authority. 57995

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 57996  
the Revised Code, of the revenue collected from the tax due under 57997  
division (A) of section 5739.029 of the Revised Code, an amount 57998  
equal to one-half per cent of the price of each transaction 57999  
subject to taxation under that division shall be distributed to 58000  
the county where the sale is situated as provided in section 58001  
5739.035 of the Revised Code. The amount to be so distributed to 58002  
each county shall be credited to the funds of the county as 58003  
provided by divisions (A) and (B) of section 5739.211 of the 58004  
Revised Code. 58005

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 58006  
of the state, an excise tax is hereby levied on the storage, use, 58007  
or other consumption in this state of tangible personal property 58008  
or the benefit realized in this state of any service provided. The 58009  
tax shall be collected as provided in section 5739.025 of the 58010  
Revised Code, provided that on and after July 1, 2003, and on or 58011  
before June 30, 2005, the rate of the tax shall be six per cent. 58012  
On and after July 1, 2005, the rate of the tax shall be five and 58013  
one-half per cent. 58014

(2) In the case of the lease or rental, with a fixed term of 58015  
more than thirty days or an indefinite term with a minimum period 58016  
of more than thirty days, of any motor vehicles designed by the 58017  
manufacturer to carry a load of not more than one ton, watercraft, 58018  
outboard motor, or aircraft, or of any tangible personal property, 58019  
other than motor vehicles designed by the manufacturer to carry a 58020  
load of more than one ton, to be used by the lessee or renter 58021  
primarily for business purposes, the tax shall be collected by the 58022  
seller at the time the lease or rental is consummated and shall be 58023  
calculated by the seller on the basis of the total amount to be 58024  
paid by the lessee or renter under the lease or rental agreement. 58025  
If the total amount of the consideration for the lease or rental 58026  
includes amounts that are not calculated at the time the lease or 58027  
rental is executed, the tax shall be calculated and collected by 58028  
the seller at the time such amounts are billed to the lessee or 58029  
renter. In the case of an open-end lease or rental, the tax shall 58030  
be calculated by the seller on the basis of the total amount to be 58031  
paid during the initial fixed term of the lease or rental, and for 58032  
each subsequent renewal period as it comes due. As used in this 58033  
division, "motor vehicle" has the same meaning as in section 58034  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 58035  
unit attached to the watercraft. 58036

(3) Except as provided in division (A)(2) of this section, in 58037

the case of a transaction, the price of which consists in whole or 58038  
part of the lease or rental of tangible personal property, the tax 58039  
shall be measured by the installments of those leases or rentals. 58040

(B) Each consumer, storing, using, or otherwise consuming in 58041  
this state tangible personal property or realizing in this state 58042  
the benefit of any service provided, shall be liable for the tax, 58043  
and such liability shall not be extinguished until the tax has 58044  
been paid to this state; provided, that the consumer shall be 58045  
relieved from further liability for the tax if the tax has been 58046  
paid to a seller in accordance with section 5741.04 of the Revised 58047  
Code or prepaid by the seller in accordance with section 5741.06 58048  
of the Revised Code. 58049

(C) The tax does not apply to the storage, use, or 58050  
consumption in this state of the following described tangible 58051  
personal property or services, nor to the storage, use, or 58052  
consumption or benefit in this state of tangible personal property 58053  
or services purchased under the following described circumstances: 58054

(1) When the sale of property or service in this state is 58055  
subject to the excise tax imposed by sections 5739.01 to 5739.31 58056  
of the Revised Code, provided said tax has been paid; 58057

(2) Except as provided in division (D) of this section, 58058  
tangible personal property or services, the acquisition of which, 58059  
if made in Ohio, would be a sale not subject to the tax imposed by 58060  
sections 5739.01 to 5739.31 of the Revised Code; 58061

(3) Property or services, the storage, use, or other 58062  
consumption of or benefit from which this state is prohibited from 58063  
taxing by the Constitution of the United States, laws of the 58064  
United States, or the Constitution of this state. This exemption 58065  
shall not exempt from the application of the tax imposed by this 58066  
section the storage, use, or consumption of tangible personal 58067  
property that was purchased in interstate commerce, but that has 58068



come to rest in this state, provided that fuel to be used or 58069  
transported in carrying on interstate commerce that is stopped 58070  
within this state pending transfer from one conveyance to another 58071  
is exempt from the excise tax imposed by this section and section 58072  
5739.02 of the Revised Code; 58073

(4) Transient use of tangible personal property in this state 58074  
by a nonresident tourist or vacationer, or a nonbusiness use 58075  
within this state by a nonresident of this state, if the property 58076  
so used was purchased outside this state for use outside this 58077  
state and is not required to be registered or licensed under the 58078  
laws of this state; 58079

(5) Tangible personal property or services rendered, upon 58080  
which taxes have been paid to another jurisdiction to the extent 58081  
of the amount of the tax paid to such other jurisdiction. Where 58082  
the amount of the tax imposed by this section and imposed pursuant 58083  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 58084  
exceeds the amount paid to another jurisdiction, the difference 58085  
shall be allocated between the tax imposed by this section and any 58086  
tax imposed by a county or a transit authority pursuant to section 58087  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 58088  
to the respective rates of such taxes. 58089

As used in this subdivision, "taxes paid to another 58090  
jurisdiction" means the total amount of retail sales or use tax or 58091  
similar tax based upon the sale, purchase, or use of tangible 58092  
personal property or services rendered legally, levied by and paid 58093  
to another state or political subdivision thereof, or to the 58094  
District of Columbia, where the payment of such tax does not 58095  
entitle the taxpayer to any refund or credit for such payment. 58096

(6) The transfer of a used manufactured home or used mobile 58097  
home, as defined by section 5739.0210 of the Revised Code, made on 58098  
or after January 1, 2000; 58099

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

~~(9) Cigarettes that have a wholesale value of three hundred dollars or less used, stored, or consumed, but not for resale, in any month.~~

~~(10) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:~~

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; or

(b) This state or any political subdivision of this state, but only if donated for exclusively public purposes.

For the purposes of division (C)(10) of this section, "charitable purposes" has the same meaning as in division (B)(12)

of section 5739.02 of the Revised Code. 58131

(D) The tax applies to the storage, use, or other consumption 58132  
in this state of tangible personal property or services, the 58133  
acquisition of which at the time of sale was excepted under 58134  
division (E) of section 5739.01 of the Revised Code from the tax 58135  
imposed by section 5739.02 of the Revised Code, but which has 58136  
subsequently been temporarily or permanently stored, used, or 58137  
otherwise consumed in a taxable manner. 58138

(E)(1)(a) If any transaction is claimed to be exempt under 58139  
division (E) of section 5739.01 of the Revised Code or under 58140  
section 5739.02 of the Revised Code, with the exception of 58141  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 58142  
Code, the consumer shall provide to the seller, and the seller 58143  
shall obtain from the consumer, a certificate specifying the 58144  
reason that the transaction is not subject to the tax. The 58145  
certificate shall be in such form, and shall be provided either in 58146  
a hard copy form or electronic form, as the tax commissioner 58147  
prescribes. 58148

(b) A seller that obtains a fully completed exemption 58149  
certificate from a consumer is relieved of liability for 58150  
collecting and remitting tax on any sale covered by that 58151  
certificate. If it is determined the exemption was improperly 58152  
claimed, the consumer shall be liable for any tax due on that sale 58153  
under this chapter. Relief under this division from liability does 58154  
not apply to any of the following: 58155

(i) A seller that fraudulently fails to collect tax; 58156

(ii) A seller that solicits consumers to participate in the 58157  
unlawful claim of an exemption; 58158

(iii) A seller that accepts an exemption certificate from a 58159  
consumer that claims an exemption based on who purchases or who 58160  
sells property or a service, when the subject of the transaction 58161

sought to be covered by the exemption certificate is actually 58162  
received by the consumer at a location operated by the seller in 58163  
this state, and this state has posted to its web site an exemption 58164  
certificate form that clearly and affirmatively indicates that the 58165  
claimed exemption is not available in this state; 58166

(iv) A seller that accepts an exemption certificate from a 58167  
consumer who claims a multiple points of use exemption under 58168  
division (D) of section 5739.033 of the Revised Code, if the item 58169  
purchased is tangible personal property, other than prewritten 58170  
computer software. 58171

(2) The seller shall maintain records, including exemption 58172  
certificates, of all sales on which a consumer has claimed an 58173  
exemption, and provide them to the tax commissioner on request. 58174

(3) If no certificate is provided or obtained within ninety 58175  
days after the date on which the transaction is consummated, it 58176  
shall be presumed that the tax applies. Failure to have so 58177  
provided or obtained a certificate shall not preclude a seller, 58178  
within one hundred twenty days after the tax commissioner gives 58179  
written notice of intent to levy an assessment, from either 58180  
establishing that the transaction is not subject to the tax, or 58181  
obtaining, in good faith, a fully completed exemption certificate. 58182

(4) If a transaction is claimed to be exempt under division 58183  
(B)(13) of section 5739.02 of the Revised Code, the contractor 58184  
shall obtain certification of the claimed exemption from the 58185  
contractee. This certification shall be in addition to an 58186  
exemption certificate provided by the contractor to the seller. A 58187  
contractee that provides a certification under this division shall 58188  
be deemed to be the consumer of all items purchased by the 58189  
contractor under the claim of exemption, if it is subsequently 58190  
determined that the exemption is not properly claimed. The 58191  
certification shall be in such form as the tax commissioner 58192  
prescribes. 58193

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

(H) The tax collected by the seller from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised Code and of transit authorities levying an additional use tax pursuant to section 5741.022 of the Revised Code. Except for the discount authorized under section 5741.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of such tax.

**Sec. 5741.03.** (A) ~~Four and two tenths~~ One hundred per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be

distributed as provided in division (B) of this section shall be 58225  
credited to the local government fund for distribution in 58226  
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 58227  
~~one per cent shall be credited to the local government revenue~~ 58228  
~~assistance fund for distribution in accordance with section~~ 58229  
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 58230  
~~cent shall be credited to the general revenue fund.~~ 58231

(B) In any case where any county or transit authority has 58232  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 58233  
5741.023 of the Revised Code, the tax commissioner shall, within 58234  
forty-five days after the end of each month, determine and certify 58235  
to the director of budget and management the amount of the 58236  
proceeds of such tax or taxes from billings and assessments 58237  
received during that month, or shown on tax returns or reports 58238  
filed during that month, to be returned to the county or transit 58239  
authority levying the tax or taxes, which amounts shall be 58240  
determined in the manner provided in section 5739.21 of the 58241  
Revised Code. The director of budget and management shall 58242  
transfer, from the same funds and in the same proportions 58243  
specified in division (A) of this section, to the permissive tax 58244  
distribution fund created by division (B)(1) of section 4301.423 58245  
of the Revised Code and to the local sales tax administrative fund 58246  
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 58247  
the amounts certified by the tax commissioner. The tax 58248  
commissioner shall then, on or before the twentieth day of the 58249  
month in which such certification is made, provide for payment of 58250  
such respective amounts to the county treasurer or to the fiscal 58251  
officer of the transit authority levying the tax or taxes. The 58252  
amount transferred to the local sales tax administrative fund is 58253  
for use by the tax commissioner in defraying costs the 58254  
commissioner incurs in administering such taxes levied by a county 58255  
or transit authority. 58256

Sec. 5741.121. (A) If the total amount of tax required to be 58257  
paid by a seller or consumer under section 5741.12 of the Revised 58258  
Code for any year equals or exceeds seventy-five thousand dollars, 58259  
the seller or consumer shall remit each monthly tax payment in the 58260  
second ensuing and each succeeding year by electronic funds 58261  
transfer as prescribed by division (B) of this section. 58262

If a seller's or consumer's tax payment for each of two 58263  
consecutive years is less than seventy-five thousand dollars, the 58264  
seller or consumer is relieved of the requirement to remit taxes 58265  
by electronic funds transfer for the year that next follows the 58266  
second of the consecutive years in which the tax payment is less 58267  
than that amount, and is relieved of that requirement for each 58268  
succeeding year, unless the tax payment in a subsequent year 58269  
equals or exceeds seventy-five thousand dollars. 58270

The tax commissioner shall notify each seller or consumer 58271  
required to remit taxes by electronic funds transfer of the 58272  
seller's or consumer's obligation to do so, shall maintain an 58273  
updated list of those sellers and consumers, and shall timely 58274  
certify the list and any additions thereto or deletions therefrom 58275  
to the treasurer of state. Failure by the tax commissioner to 58276  
notify a seller or consumer subject to this section to remit taxes 58277  
by electronic funds transfer does not relieve the seller or 58278  
consumer of the obligation to remit taxes by electronic funds 58279  
transfer. 58280

(B) Sellers and consumers required by division (A) of this 58281  
section to remit payments by electronic funds transfer shall remit 58282  
such payments to the treasurer of state in the manner prescribed 58283  
by this section and rules adopted by the treasurer of state under 58284  
section 113.061 of the Revised Code, and ~~on or before the~~ 58285  
~~following dates as follows:~~ 58286

~~(1)(a) On or before the fifteenth day of each month, a seller~~ 58287

~~shall remit an amount equal to the taxes collected during the first eleven days of the month. On or before the twenty fifth day of each month, a seller shall remit an amount equal to the taxes collected on the twelfth through the twenty first day of the month.~~

~~(b) In lieu of remitting the actual amounts collected for the periods specified in division (B)(1)(a) of this section, a seller may, on or before each of the fifteenth and twenty fifth days of each month, remit an amount equal to thirty seven and one half per cent of the seller's total tax liability for the same month in the preceding calendar year.~~

~~(2) On or before each of the fifteenth and twenty fifth days of each month, a consumer shall remit an amount equal to thirty seven and one half per cent of the consumer's total tax liability for the same month in the preceding calendar year.~~

~~(3) On or before the twenty-third day of each month, a seller or consumer shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.~~

(2) On or before the twenty-third day of each month, a seller shall report the taxes collected and a consumer shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1)(a) or (b) or (B)(2) of this section.

The payment of taxes by electronic funds transfer does not affect a seller's or consumer's obligation to file the monthly return as required under section 5741.12 of the Revised Code.

(C) A seller or consumer 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 seller or consumer from remittance by electronic funds



transfer for good cause shown for the period of time requested by 58319  
the seller or consumer or for a portion of that period. The 58320  
treasurer of state shall notify the tax commissioner and the 58321  
seller or consumer of the treasurer of state's decision as soon as 58322  
is practicable. 58323

(D)(1)(a) If a seller or consumer that is required to remit 58324  
payments under division (B) of this section fails to make a 58325  
payment, or makes a payment under division (B)(1) of this section 58326  
that is less than seventy-five per cent of the actual liability 58327  
for that month, the commissioner may impose an additional charge 58328  
not to exceed five per cent of that unpaid amount. 58329

(b) Division (D)(1)(a) of this section does not apply if the 58330  
seller's or consumer's payment under division (B)(1) of this 58331  
section is equal to or greater than seventy-five per cent of the 58332  
seller's or consumer's reported liability for the same month in 58333  
the immediately preceding calendar year. 58334

(2) If a seller or consumer required by this section to remit 58335  
taxes by electronic funds transfer remits those taxes by some 58336  
means other than by electronic funds transfer as prescribed by the 58337  
rules adopted by the treasurer of state, and the treasurer of 58338  
state determines that such failure was not due to reasonable cause 58339  
or was due to willful neglect, the treasurer of state shall notify 58340  
the tax commissioner of the failure to remit by electronic funds 58341  
transfer and shall provide the commissioner with any information 58342  
used in making that determination. The tax commissioner may impose 58343  
an additional charge not to exceed the lesser of five per cent of 58344  
the amount of the taxes required to be paid by electronic funds 58345  
transfer or five thousand dollars. 58346

(3) Any additional charge imposed under this section is in 58347  
addition to any other penalty or charge imposed under this 58348  
chapter, and shall be considered as revenue arising from taxes 58349  
imposed under this chapter. An additional charge may be collected 58350

by assessment in the manner prescribed by section 5741.13 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 seller or consumer that has been notified of the 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 seller or consumer remits by some means other than electronic funds transfer.

Sec. 5741.122. (A) If required by the tax commissioner, a person required to make payments by electronic funds transfer under section 5739.032 or 5741.121 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 section 718.051 of the Revised Code, or any other electronic means, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed by the treasurer of state under sections 5739.032 and 5741.121 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C)(1) If a person required to file a report or return electronically under this section fails to do so, the commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return;

(b) For the third and any subsequent failure, ten per cent of 58381  
the amount required to be reported on the report or return. 58382

(2) The charges authorized under division (C)(1) of this 58383  
section are in addition to any other charge or penalty authorized 58384  
under this chapter, and shall be considered as revenue arising 58385  
from taxes imposed under this chapter. An additional charge may be 58386  
collected by assessment in the manner prescribed by section 58387  
5741.13 of the Revised Code. The commissioner may waive all or a 58388  
portion of such a charge and may adopt rules governing such 58389  
waiver. 58390

**Sec. 5743.01.** As used in this chapter: 58391

(A) "Person" includes individuals, firms, partnerships, 58392  
associations, joint-stock companies, corporations, combinations of 58393  
individuals of any form, and the state and any of its political 58394  
subdivisions. 58395

(B) "Wholesale dealer" includes only those persons: 58396

(1) Who bring in or cause to be brought into this state 58397  
unstamped cigarettes purchased directly from the manufacturer, 58398  
producer, or importer of cigarettes for sale in this state but 58399  
does not include persons who bring in or cause to be brought into 58400  
this state cigarettes with respect to which no evidence of tax 58401  
payment is required thereon as provided in section 5743.04 of the 58402  
Revised Code; or 58403

(2) Who are engaged in the business of selling cigarettes or 58404  
tobacco products to others for the purpose of resale. 58405

"Wholesale dealer" does not include any cigarette 58406  
manufacturer, export warehouse proprietor, or importer with a 58407  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 58408  
in this state only to wholesale dealers holding valid and current 58409  
licenses under section 5743.15 of the Revised Code or to an export 58410

warehouse proprietor or another manufacturer.	58411
(C) "Retail dealer" includes:	58412
(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;	58413 58414 58415 58416 58417
(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.	58418 58419 58420 58421
(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.	58422 58423 58424
(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.	58425 58426 58427 58428 58429 58430 58431
(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.	58432 58433 58434
(G) "Stamp" includes an impression made by a metering device as provided for in section 5743.04 of the Revised Code.	58435 58436
(H) "Storage" includes any keeping or retention of cigarettes or tobacco products for use or consumption in this state.	58437 58438
(I) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes or tobacco products.	58439 58440

(J) "Tobacco product" or "other tobacco product" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.

(K) "Wholesale price" means the invoice price, including all federal excise taxes, at which the manufacturer of the tobacco product sells the tobacco product to unaffiliated distributors, excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice. If the taxpayer buys from other than a manufacturer, "wholesale price" means the invoice price, including all federal excise taxes and excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(L) "Distributor" means:

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(M) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(N) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(O) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(P) "Importer" means any person that ~~imports~~ is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

**Sec. 5743.20.** No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed wholesale dealer.

Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

The tax commissioner shall adopt rules governing sales of cigarettes between licensed wholesale dealers, including rules establishing criteria for authorizing such sales.

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or

licensed importer. No importer shall purchase cigarettes from any 58502  
person other than a licensed manufacturer or licensed importer. 58503

A retail dealer may purchase other tobacco products only from 58504  
a licensed distributor. A licensed distributor may sell tobacco 58505  
products only to a retail dealer, except a licensed distributor 58506  
may sell tobacco products to another licensed distributor if the 58507  
tax commissioner has authorized the sale of the tobacco products 58508  
between those distributors and the distributor that sells the 58509  
tobacco products received them directly from a manufacturer or 58510  
importer of tobacco products. 58511

The tax commissioner may adopt rules governing sales of 58512  
tobacco products between licensed distributors, including rules 58513  
establishing criteria for authorizing such sales. 58514

The identities of ~~licensed distributors~~ cigarette 58515  
manufacturers and importers, licensed cigarette wholesalers, 58516  
licensed distributors of other tobacco products, and registered 58517  
manufacturers, importers, and brokers of other tobacco products 58518  
are subject to public disclosure. The tax commissioner shall 58519  
maintain an alphabetical list of all such ~~distributors~~ 58520  
manufacturers, importers, wholesalers, distributors, and brokers, 58521  
shall post the list on a web site accessible to the public through 58522  
the internet, and shall periodically update the web site posting. 58523

As used in this section, "licensed" means the manufacturer, 58524  
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 58525  
current and valid license issued under section 5743.15 or 5743.61 58526  
of the Revised Code, and "registered" means registered with the 58527  
tax commissioner under section 5743.66 of the Revised Code. 58528

**Sec. 5745.02.** (A) The annual report filed under section 58529  
5745.03 of the Revised Code determines a taxpayer's Ohio net 58530  
income and the portion of Ohio net income to be apportioned to a 58531  
municipal corporation. 58532

(B) A taxpayer's Ohio net income is determined by multiplying 58533  
the taxpayer's adjusted federal taxable income by the sum of the 58534  
property factor multiplied by one-third, the payroll factor 58535  
multiplied by one-third, and the sales factor multiplied by 58536  
one-third. If the denominator of one of the factors is zero, the 58537  
remaining two factors each shall be multiplied by one-half instead 58538  
of one-third; if the denominator of two of the factors is zero, 58539  
the remaining factor shall be multiplied by one. The property, 58540  
payroll, and sales factors shall be determined in the manner 58541  
prescribed by divisions (B)(1), (2), and (3) of this section. 58542

(1) The property factor is a fraction, the numerator of which 58543  
is the average value of the taxpayer's real and tangible personal 58544  
property owned or rented, and used in business in this state 58545  
during the taxable year, and the denominator of which is the 58546  
average value of all the taxpayer's real and tangible personal 58547  
property owned or rented, and used in business everywhere during 58548  
such year. Property owned by the taxpayer is valued at its 58549  
original cost. Property rented by the taxpayer is valued at eight 58550  
times the net annual rental rate. "Net annual rental rate" means 58551  
the annual rental rate paid by the taxpayer less any annual rental 58552  
rate received by the taxpayer from subrentals. The average value 58553  
of property shall be determined by averaging the values at the 58554  
beginning and the end of the taxable year, but the tax 58555  
commissioner may require the averaging of monthly values during 58556  
the taxable year, if reasonably required to reflect properly the 58557  
average value of the taxpayer's property. 58558

(2) The payroll factor is a fraction, the numerator of which 58559  
is the total amount paid in this state during the taxable year by 58560  
the taxpayer for compensation, and the denominator of which is the 58561  
total compensation paid everywhere by the taxpayer during such 58562  
year. Compensation means any form of remuneration paid to an 58563  
employee for personal services. Compensation is paid in this state 58564



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, and financial institutions shall be eliminated.

For the purpose of division (B)(3) of this section, sales of tangible personal property are in this state where such property is received in this state by the purchaser. In the case of

delivery of tangible personal property by common carrier or by 58597  
other means of transportation, the place at which such property is 58598  
ultimately received after all transportation has been completed 58599  
shall be considered as the place at which such property is 58600  
received by the purchaser. Direct delivery in this state, other 58601  
than for purposes of transportation, to a person or firm 58602  
designated by a purchaser constitutes delivery to the purchaser in 58603  
this state, and direct delivery outside this state to a person or 58604  
firm designated by a purchaser does not constitute delivery to the 58605  
purchaser in this state, regardless of where title passes or other 58606  
conditions of sale. 58607

Sales, other than sales of electricity or tangible personal 58608  
property, are in this state if either the income-producing 58609  
activity is performed solely in this state, or the 58610  
income-producing activity is performed both within and without 58611  
this state and a greater proportion of the income-producing 58612  
activity is performed within this state than in any other state, 58613  
based on costs of performance. 58614

For the purposes of division (B)(3) of this section, the tax 58615  
commissioner may adopt rules to apportion sales within this state. 58616

(C) The portion of a taxpayer's Ohio net income taxable by 58617  
each municipal corporation imposing an income tax shall be 58618  
determined by multiplying the taxpayer's Ohio net income by the 58619  
sum of the municipal property factor multiplied by one-third, the 58620  
municipal payroll factor multiplied by one-third, and the 58621  
municipal sales factor multiplied by one-third, and subtracting 58622  
from the product so obtained any "municipal net operating loss 58623  
carryforward from prior taxable years." If the denominator of one 58624  
of the factors is zero, the remaining two factors each shall be 58625  
multiplied by one-half instead of one-third; if the denominator of 58626  
two of the factors is zero, the remaining factor shall be 58627  
multiplied by one. In calculating the "municipal net operating 58628

loss carryforward from prior taxable years" for each municipal 58629  
corporation, net operating losses are apportioned in and out of a 58630  
municipal corporation for the taxable year in which the net 58631  
operating loss occurs in the same manner that positive net income 58632  
would have been so apportioned. Any net operating loss for a 58633  
municipal corporation may be applied to subsequent net income in 58634  
that municipal corporation to reduce that income to zero or until 58635  
the net operating loss has been fully used as a deduction. The 58636  
unused portion of net operating losses for each taxable year 58637  
apportioned to a municipal corporation may only be applied against 58638  
the income apportioned to that municipal corporation for five 58639  
subsequent taxable years. Net operating losses occurring in 58640  
taxable years ending before 2002 may not be subtracted under this 58641  
section. 58642

A taxpayer's municipal property, municipal payroll, and 58643  
municipal sales factors for a municipal corporation shall be 58644  
determined as provided in divisions (C)(1), (2), and (3) of this 58645  
section. 58646

(1) The municipal property factor is the quotient obtained by 58647  
dividing (a) the average value of real and tangible personal 58648  
property owned or rented by the taxpayer and used in business in 58649  
the municipal corporation during the taxable year by (b) the 58650  
average value of all of the taxpayer's real and tangible personal 58651  
property owned or rented and used in business during that taxable 58652  
year in this state. The value and average value of such property 58653  
shall be determined in the same manner provided in division (B)(1) 58654  
of this section. 58655

(2) The municipal payroll factor is the quotient obtained by 58656  
dividing (a) the total amount of compensation earned in the 58657  
municipal corporation by the taxpayer's employees during the 58658  
taxable year for services performed for the taxpayer and that is 58659  
subject to income tax withholding by the municipal corporation by 58660

(b) the total amount of compensation paid by the taxpayer to its employees in this state during the taxable year. Compensation has the same meaning as in division (B)(2) of this section.

(3) The municipal sales factor is a fraction, the numerator of which is the taxpayer's total sales in a municipal corporation during the taxable year, and the denominator of which is the taxpayer's total sales in this state during such year.

For the purpose of division (C)(3) of this section, sales of tangible personal property are in the municipal corporation where such property is received in the municipal corporation by the purchaser. Sales of electricity directly to the ~~consumer~~ customer, as defined in section 5733.059 of the Revised Code, shall be considered sales of tangible personal property. In the case of the delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property ultimately is received after all transportation has been completed shall be considered as the place at which the property is received by the purchaser. Direct delivery in the municipal corporation, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in that municipal corporation, and direct delivery outside the municipal corporation to a person or firm designated by a purchaser does not constitute delivery to the purchaser in that municipal corporation, regardless of where title passes or other conditions of sale. Sales, other than sales of tangible personal property, are in the municipal corporation if either:

(a) The income-producing activity is performed solely in the municipal corporation;

(b) The income-producing activity is performed both within and without the municipal corporation and a greater proportion of the income-producing activity is performed within that municipal corporation than any other location in this state, based on costs

of performance. 58693

For the purposes of division (C)(3) of this section, the tax 58694  
commissioner may adopt rules to apportion sales within each 58695  
municipal corporation. 58696

(D) If a taxpayer is a combined company as defined in section 58697  
5727.01 of the Revised Code, the municipal property, payroll, and 58698  
sales factors under division (C) of this section shall be adjusted 58699  
as follows: 58700

(1) The numerator of the municipal property factor shall 58701  
include only the value, as determined under division (C)(1) of 58702  
this section, of the company's real and tangible property in the 58703  
municipal corporation attributed to the company's activity as an 58704  
electric company using the same methodology prescribed under 58705  
section 5727.03 of the Revised Code for taxable tangible personal 58706  
property. 58707

(2) The numerator of the municipal payroll factor shall 58708  
include only compensation paid in the municipal corporation by the 58709  
company to its employees for personal services rendered in the 58710  
company's activity as an electric company. 58711

(3) The numerator of the municipal sales factor shall include 58712  
only the sales of tangible personal property and services, as 58713  
determined under division (C)(3) of this section, made in the 58714  
municipal corporation in the course of the company's activity as 58715  
an electric company. 58716

(E)(1) If the provisions for apportioning adjusted federal 58717  
taxable income or Ohio net income under divisions (B), (C), and 58718  
(D) of this section do not fairly represent business activity in 58719  
this state or among municipal corporations, the tax commissioner 58720  
may adopt rules for apportioning such income by an alternative 58721  
method that fairly represents business activity in this state or 58722  
among municipal corporations. 58723

(2) If any of the factors determined under division (B), (C), 58724  
or (D) of this section does not fairly represent the extent of a 58725  
taxpayer's business activity in this state or among municipal 58726  
corporations, the taxpayer may request, or the tax commissioner 58727  
may require, that the taxpayer's adjusted federal taxable income 58728  
or Ohio net income be determined by an alternative method, 58729  
including any of the alternative methods enumerated in division 58730  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 58731  
requesting an alternative method shall make the request in writing 58732  
to the tax commissioner either with the annual report, a timely 58733  
filed amended report, or a timely filed petition for reassessment. 58734  
When the tax commissioner requires or permits an alternative 58735  
method under division (E)(2) of this section, the tax commissioner 58736  
shall cause a written notice to that effect to be delivered to any 58737  
municipal corporation that would be affected by application of the 58738  
alternative method. Nothing in this division shall be construed to 58739  
extend any statute of limitations under this chapter. 58740

(F)(1) The tax commissioner may adopt rules providing for the 58741  
combination of adjusted federal taxable incomes of taxpayers 58742  
satisfying the ownership or control requirements of section 58743  
5733.052 of the Revised Code if the tax commissioner finds that 58744  
such combinations are necessary to properly reflect adjusted 58745  
federal taxable income, Ohio net income, or the portion of Ohio 58746  
net income to be taxable by municipal corporations. 58747

(2) A taxpayer satisfying the ownership or control 58748  
requirements of section 5733.052 of the Revised Code with respect 58749  
to one or more other taxpayers may not combine their adjusted 58750  
federal taxable incomes for the purposes of this section unless 58751  
rules are adopted under division (F)(1) of this section allowing 58752  
such a combination or the tax commissioner finds that such a 58753  
combination is necessary to properly reflect the taxpayers' 58754  
adjusted federal taxable incomes, Ohio net incomes, or the portion 58755

of Ohio net incomes to be subject to taxation within a municipal corporation. 58756  
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(G) The tax commissioner may adopt rules providing for alternative apportionment methods for a telephone company. 58758  
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**Sec. 5745.05.** (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, as indicated on the declaration of estimated tax reports and annual reports received under sections 5745.03 and 5745.04 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the tax commissioner. Not later than the first day of March, June, September, and December, the director of budget and management shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section apportioned among municipal corporations entitled to such payments in proportion to the amount certified by the tax commissioner. 58760  
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(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under this chapter after accounting for amounts remitted with the annual report and as estimated taxes, the tax commissioner shall permit the taxpayer to credit the excess against the taxpayer's payments to the municipal corporation of estimated taxes remitted for an ensuing taxable year under section 5745.04 of the Revised Code. If, upon the written request of the taxpayer, the tax commissioner determines that the excess to be so credited is likely to exceed the amount of estimated taxes payable by the taxpayer to the municipal 58775  
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corporation during the ensuing twelve months, the tax commissioner 58787  
shall so notify the municipal corporation and the municipal 58788  
corporation shall issue a refund of the excess to the taxpayer 58789  
within ninety days after receiving such a notice. Interest shall 58790  
accrue on the amount to be refunded and is payable to the taxpayer 58791  
at the rate per annum prescribed by section 5703.47 of the Revised 58792  
Code from the ninety-first day after the notice is received by the 58793  
municipal corporation until the day the refund is paid. 58794  
Immediately after notifying a municipal corporation under this 58795  
division of an excess to be refunded, the commissioner also shall 58796  
notify the director of budget and management of the amount of the 58797  
excess, and the director shall transfer from the municipal income 58798  
tax administrative fund to the municipal income tax fund one and 58799  
one-half per cent of the amount of the excess. The commissioner 58800  
shall include the transferred amount in the computation of the 58801  
amount due the municipal corporation in the next certification to 58802  
the director under division (A) of this section. 58803

**Sec. 5745.13.** If, upon examination of any books, records, 58804  
reports, or other documents of a taxpayer, the tax commissioner 58805  
determines that an adjustment shall be made in the portion of the 58806  
taxpayer's income that is to be apportioned to a municipal 58807  
corporation, the tax commissioner shall notify the taxpayer and, 58808  
if the adjustment causes an adjustment in the taxpayer's tax owed 58809  
to a municipal corporation for the taxpayer's taxable year of more 58810  
than five hundred dollars, shall notify ~~each affected~~ that 58811  
municipal corporation that the taxpayer's tax has been adjusted. 58812

Any municipal corporation to which such a notice is issued 58813  
may request a review and redetermination of the taxpayer's federal 58814  
taxable income, Ohio net income, or the portion of Ohio net income 58815  
apportioned to the municipal corporation by filing a petition with 58816  
the tax commissioner not later than sixty days after the tax 58817  
commissioner issues the notice. The petition shall be filed either 58818



personally or by certified mail, and shall indicate the objections 58819  
of the municipal corporation. 58820

Upon receiving such a petition, if a hearing is requested the 58821  
tax commissioner shall assign a time and place for a hearing on 58822  
the petition and shall notify the petitioner of the time and place 58823  
of the hearing by ordinary mail. The tax commissioner may continue 58824  
the hearing from time to time as necessary. The tax commissioner 58825  
shall make any correction to the taxpayer's federal taxable 58826  
income, Ohio net income, or apportionment of Ohio net income that 58827  
the commissioner finds proper, and issue notice of any correction 58828  
by ordinary mail to the petitioner, to each other municipal 58829  
corporation affected by the correction of the apportionment, and 58830  
to the taxpayer. The tax commissioner's decision on the matter is 58831  
final, and is not subject to further appeal. 58832

**Sec. 5747.01.** Except as otherwise expressly provided or 58833  
clearly appearing from the context, any term used in this chapter 58834  
that is not otherwise defined in this section has the same meaning 58835  
as when used in a comparable context in the laws of the United 58836  
States relating to federal income taxes or if not used in a 58837  
comparable context in those laws, has the same meaning as in 58838  
section 5733.40 of the Revised Code. Any reference in this chapter 58839  
to the Internal Revenue Code includes other laws of the United 58840  
States relating to federal income taxes. 58841

As used in this chapter: 58842

(A) "Adjusted gross income" or "Ohio adjusted gross income" 58843  
means federal adjusted gross income, as defined and used in the 58844  
Internal Revenue Code, adjusted as provided in this section: 58845

(1) Add interest or dividends on obligations or securities of 58846  
any state or of any political subdivision or authority of any 58847  
state, other than this state and its subdivisions and authorities. 58848

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, 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.

"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of

this section, (ii) the amount of federal income taxes attributable 58881  
to such income, and (iii) the amount of taxable income that has 58882  
been included in the adjusted gross income of a beneficiary by 58883  
reason of a prior accumulation distribution. Any undistributed net 58884  
income included in the adjusted gross income of a beneficiary 58885  
shall reduce the undistributed net income of the trust commencing 58886  
with the earliest years of the accumulation period. 58887

(7) Deduct the amount of wages and salaries, if any, not 58888  
otherwise allowable as a deduction but that would have been 58889  
allowable as a deduction in computing federal adjusted gross 58890  
income for the taxable year, had the targeted jobs credit allowed 58891  
and determined under sections 38, 51, and 52 of the Internal 58892  
Revenue Code not been in effect. 58893

(8) Deduct any interest or interest equivalent on public 58894  
obligations and purchase obligations to the extent that the 58895  
interest or interest equivalent is included in federal adjusted 58896  
gross income. 58897

(9) Add any loss or deduct any gain resulting from the sale, 58898  
exchange, or other disposition of public obligations to the extent 58899  
that the loss has been deducted or the gain has been included in 58900  
computing federal adjusted gross income. 58901

(10) Deduct or add amounts, as provided under section 5747.70 58902  
of the Revised Code, related to contributions to variable college 58903  
savings program accounts made or tuition units purchased pursuant 58904  
to Chapter 3334. of the Revised Code. 58905

(11)(a) Deduct, to the extent not otherwise allowable as a 58906  
deduction or exclusion in computing federal or Ohio adjusted gross 58907  
income for the taxable year, the amount the taxpayer paid during 58908  
the taxable year for medical care insurance and qualified 58909  
long-term care insurance for the taxpayer, the taxpayer's spouse, 58910  
and dependents. No deduction for medical care insurance under 58911

division (A)(11) of this section shall be allowed either to any 58912  
taxpayer who is eligible to participate in any subsidized health 58913  
plan maintained by any employer of the taxpayer or of the 58914  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 58915  
application would be entitled to, benefits under part A of Title 58916  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 58917  
301, as amended. For the purposes of division (A)(11)(a) of this 58918  
section, "subsidized health plan" means a health plan for which 58919  
the employer pays any portion of the plan's cost. The deduction 58920  
allowed under division (A)(11)(a) of this section shall be the net 58921  
of any related premium refunds, related premium reimbursements, or 58922  
related insurance premium dividends received during the taxable 58923  
year. 58924

(b) Deduct, to the extent not otherwise deducted or excluded 58925  
in computing federal or Ohio adjusted gross income during the 58926  
taxable year, the amount the taxpayer paid during the taxable 58927  
year, not compensated for by any insurance or otherwise, for 58928  
medical care of the taxpayer, the taxpayer's spouse, and 58929  
dependents, to the extent the expenses exceed seven and one-half 58930  
per cent of the taxpayer's federal adjusted gross income. 58931

(c) For purposes of division (A)(11) of this section, 58932  
"medical care" has the meaning given in section 213 of the 58933  
Internal Revenue Code, subject to the special rules, limitations, 58934  
and exclusions set forth therein, and "qualified long-term care" 58935  
has the same meaning given in section 7702B(c) of the Internal 58936  
Revenue Code. 58937

(12)(a) Deduct any amount included in federal adjusted gross 58938  
income solely because the amount represents a reimbursement or 58939  
refund of expenses that in any year the taxpayer had deducted as 58940  
an itemized deduction pursuant to section 63 of the Internal 58941  
Revenue Code and applicable United States department of the 58942  
treasury regulations. The deduction otherwise allowed under 58943

division (A)(12)(a) of this section shall be reduced to the extent 58944  
the reimbursement is attributable to an amount the taxpayer 58945  
deducted under this section in any taxable year. 58946

(b) Add any amount not otherwise included in Ohio adjusted 58947  
gross income for any taxable year to the extent that the amount is 58948  
attributable to the recovery during the taxable year of any amount 58949  
deducted or excluded in computing federal or Ohio adjusted gross 58950  
income in any taxable year. 58951

(13) Deduct any portion of the deduction described in section 58952  
1341(a)(2) of the Internal Revenue Code, for repaying previously 58953  
reported income received under a claim of right, that meets both 58954  
of the following requirements: 58955

(a) It is allowable for repayment of an item that was 58956  
included in the taxpayer's adjusted gross income for a prior 58957  
taxable year and did not qualify for a credit under division (A) 58958  
or (B) of section 5747.05 of the Revised Code for that year; 58959

(b) It does not otherwise reduce the taxpayer's adjusted 58960  
gross income for the current or any other taxable year. 58961

(14) Deduct an amount equal to the deposits made to, and net 58962  
investment earnings of, a medical savings account during the 58963  
taxable year, in accordance with section 3924.66 of the Revised 58964  
Code. The deduction allowed by division (A)(14) of this section 58965  
does not apply to medical savings account deposits and earnings 58966  
otherwise deducted or excluded for the current or any other 58967  
taxable year from the taxpayer's federal adjusted gross income. 58968

(15)(a) Add an amount equal to the funds withdrawn from a 58969  
medical savings account during the taxable year, and the net 58970  
investment earnings on those funds, when the funds withdrawn were 58971  
used for any purpose other than to reimburse an account holder 58972  
for, or to pay, eligible medical expenses, in accordance with 58973  
section 3924.66 of the Revised Code; 58974

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.	58975 58976 58977
(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:	58978 58979 58980
(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;	58981 58982 58983 58984
(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.	58985 58986 58987
(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.	58988 58989 58990 58991 58992 58993 58994 58995
(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of	58996 58997 58998 58999 59000 59001 59002 59003 59004 59005

this state and is enrolled in or attending a program that 59006  
culminates in a degree or diploma at an eligible institution. The 59007  
deduction may be claimed only to the extent that qualified tuition 59008  
and fees are not otherwise deducted or excluded for any taxable 59009  
year from federal or Ohio adjusted gross income. The deduction may 59010  
not be claimed for educational expenses for which the taxpayer 59011  
claims a credit under section 5747.27 of the Revised Code. 59012

(19) Add any reimbursement received during the taxable year 59013  
of any amount the taxpayer deducted under division (A)(18) of this 59014  
section in any previous taxable year to the extent the amount is 59015  
not otherwise included in Ohio adjusted gross income. 59016

(20)(a)(i) Add five-sixths of the amount of depreciation 59017  
expense allowed by subsection (k) of section 168 of the Internal 59018  
Revenue Code, including the taxpayer's proportionate or 59019  
distributive share of the amount of depreciation expense allowed 59020  
by that subsection to a pass-through entity in which the taxpayer 59021  
has a direct or indirect ownership interest. 59022

(ii) Add five-sixths of the amount of qualifying section 179 59023  
depreciation expense, including a person's proportionate or 59024  
distributive share of the amount of qualifying section 179 59025  
depreciation expense allowed to any pass-through entity in which 59026  
the person has a direct or indirect ownership. For the purposes of 59027  
this division, "qualifying section 179 depreciation expense" means 59028  
the difference between (I) the amount of depreciation expense 59029  
directly or indirectly allowed to the taxpayer under section 179 59030  
of the Internal Revenue Code, and (II) the amount of depreciation 59031  
expense directly or indirectly allowed to the taxpayer under 59032  
section 179 of the Internal Revenue Code as that section existed 59033  
on December 31, 2002. 59034

The tax commissioner, under procedures established by the 59035  
commissioner, may waive the add-backs related to a pass-through 59036  
entity if the taxpayer owns, directly or indirectly, less than 59037

five per cent of the pass-through entity. 59038

(b) Nothing in division (A)(20) of this section shall be 59039  
construed to adjust or modify the adjusted basis of any asset. 59040

(c) To the extent the add-back required under division 59041  
(A)(20)(a) of this section is attributable to property generating 59042  
nonbusiness income or loss allocated under section 5747.20 of the 59043  
Revised Code, the add-back shall be situated to the same location 59044  
as the nonbusiness income or loss generated by the property for 59045  
the purpose of determining the credit under division (A) of 59046  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 59047  
be apportioned, subject to one or more of the four alternative 59048  
methods of apportionment enumerated in section 5747.21 of the 59049  
Revised Code. 59050

(d) For the purposes of division (A) of this section, net 59051  
operating loss carryback and carryforward shall not include 59052  
five-sixths of the allowance of any net operating loss deduction 59053  
carryback or carryforward to the taxable year to the extent such 59054  
loss resulted from depreciation allowed by section 168(k) of the 59055  
Internal Revenue Code and by the qualifying section 179 59056  
depreciation expense amount. 59057

(21)(a) If the taxpayer was required to add an amount under 59058  
division (A)(20)(a) of this section for a taxable year, deduct 59059  
one-fifth of the amount so added for each of the five succeeding 59060  
taxable years. 59061

(b) If the amount deducted under division (A)(21)(a) of this 59062  
section is attributable to an add-back allocated under division 59063  
(A)(20)(c) of this section, the amount deducted shall be situated 59064  
to the same location. Otherwise, the add-back shall be apportioned 59065  
using the apportionment factors for the taxable year in which the 59066  
deduction is taken, subject to one or more of the four alternative 59067  
methods of apportionment enumerated in section 5747.21 of the 59068



Revised Code. 59069

(c) No deduction is available under division (A)(21)(a) of 59070  
this section with regard to any depreciation allowed by section 59071  
168(k) of the Internal Revenue Code and by the qualifying section 59072  
179 depreciation expense amount to the extent that such 59073  
depreciation resulted in or increased a federal net operating loss 59074  
carryback or carryforward to a taxable year to which division 59075  
(A)(20)(d) of this section does not apply. 59076

(22) Deduct, to the extent not otherwise deducted or excluded 59077  
in computing federal or Ohio adjusted gross income for the taxable 59078  
year, the amount the taxpayer received during the taxable year as 59079  
reimbursement for life insurance premiums under section 5919.31 of 59080  
the Revised Code. 59081

(23) Deduct, to the extent not otherwise deducted or excluded 59082  
in computing federal or Ohio adjusted gross income for the taxable 59083  
year, the amount the taxpayer received during the taxable year as 59084  
a death benefit paid by the adjutant general under section 5919.33 59085  
of the Revised Code. 59086

(24) Deduct, to the extent included in federal adjusted gross 59087  
income and not otherwise allowable as a deduction or exclusion in 59088  
computing federal or Ohio adjusted gross income for the taxable 59089  
year, military pay and allowances received by the taxpayer during 59090  
the taxable year for active duty service in the United States 59091  
army, air force, navy, marine corps, or coast guard or reserve 59092  
components thereof or the national guard. The deduction may not be 59093  
claimed for military pay and allowances received by the taxpayer 59094  
while the taxpayer is stationed in this state. 59095

(25) Deduct, to the extent not otherwise allowable as a 59096  
deduction or exclusion in computing federal or Ohio adjusted gross 59097  
income for the taxable year and not otherwise compensated for by 59098  
any other source, the amount of qualified organ donation expenses 59099

incurred by the taxpayer during the taxable year, not to exceed 59100  
ten thousand dollars. A taxpayer may deduct qualified organ 59101  
donation expenses only once for all taxable years beginning with 59102  
taxable years beginning in 2007. 59103

For the purposes of division (A)(25) of this section: 59104

(a) "Human organ" means all or any portion of a human liver, 59105  
pancreas, kidney, intestine, or lung, and any portion of human 59106  
bone marrow. 59107

(b) "Qualified organ donation expenses" means travel 59108  
expenses, lodging expenses, and wages and salary forgone by a 59109  
taxpayer in connection with the taxpayer's donation, while living, 59110  
of one or more of the taxpayer's human organs to another human 59111  
being. 59112

(B) "Business income" means income, including gain or loss, 59113  
arising from transactions, activities, and sources in the regular 59114  
course of a trade or business and includes income, gain, or loss 59115  
from real property, tangible property, and intangible property if 59116  
the acquisition, rental, management, and disposition of the 59117  
property constitute integral parts of the regular course of a 59118  
trade or business operation. "Business income" includes income, 59119  
including gain or loss, from a partial or complete liquidation of 59120  
a business, including, but not limited to, gain or loss from the 59121  
sale or other disposition of goodwill. 59122

(C) "Nonbusiness income" means all income other than business 59123  
income and may include, but is not limited to, compensation, rents 59124  
and royalties from real or tangible personal property, capital 59125  
gains, interest, dividends and distributions, patent or copyright 59126  
royalties, or lottery winnings, prizes, and awards. 59127

(D) "Compensation" means any form of remuneration paid to an 59128  
employee for personal services. 59129

(E) "Fiduciary" means a guardian, trustee, executor, 59130

administrator, receiver, conservator, or any other person acting 59131  
in any fiduciary capacity for any individual, trust, or estate. 59132

(F) "Fiscal year" means an accounting period of twelve months 59133  
ending on the last day of any month other than December. 59134

(G) "Individual" means any natural person. 59135

(H) "Internal Revenue Code" means the "Internal Revenue Code 59136  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 59137

(I) "Resident" means any of the following, provided that 59138  
division (I)(3) of this section applies only to taxable years of a 59139  
trust beginning in 2002 or thereafter: 59140

(1) An individual who is domiciled in this state, subject to 59141  
section 5747.24 of the Revised Code; 59142

(2) The estate of a decedent who at the time of death was 59143  
domiciled in this state. The domicile tests of section 5747.24 of 59144  
the Revised Code are not controlling for purposes of division 59145  
(I)(2) of this section. 59146

(3) A trust that, in whole or part, resides in this state. If 59147  
only part of a trust resides in this state, the trust is a 59148  
resident only with respect to that part. 59149

For the purposes of division (I)(3) of this section: 59150

(a) A trust resides in this state for the trust's current 59151  
taxable year to the extent, as described in division (I)(3)(d) of 59152  
this section, that the trust consists directly or indirectly, in 59153  
whole or in part, of assets, net of any related liabilities, that 59154  
were transferred, or caused to be transferred, directly or 59155  
indirectly, to the trust by any of the following: 59156

(i) A person, a court, or a governmental entity or 59157  
instrumentality on account of the death of a decedent, but only if 59158  
the trust is described in division (I)(3)(e)(i) or (ii) of this 59159  
section; 59160

(ii) A person who was domiciled in this state for the 59161  
purposes of this chapter when the person directly or indirectly 59162  
transferred assets to an irrevocable trust, but only if at least 59163  
one of the trust's qualifying beneficiaries is domiciled in this 59164  
state for the purposes of this chapter during all or some portion 59165  
of the trust's current taxable year; 59166

(iii) A person who was domiciled in this state for the 59167  
purposes of this chapter when the trust document or instrument or 59168  
part of the trust document or instrument became irrevocable, but 59169  
only if at least one of the trust's qualifying beneficiaries is a 59170  
resident domiciled in this state for the purposes of this chapter 59171  
during all or some portion of the trust's current taxable year. If 59172  
a trust document or instrument became irrevocable upon the death 59173  
of a person who at the time of death was domiciled in this state 59174  
for purposes of this chapter, that person is a person described in 59175  
division (I)(3)(a)(iii) of this section. 59176

(b) A trust is irrevocable to the extent that the transferor 59177  
is not considered to be the owner of the net assets of the trust 59178  
under sections 671 to 678 of the Internal Revenue Code. 59179

(c) With respect to a trust other than a charitable lead 59180  
trust, "qualifying beneficiary" has the same meaning as "potential 59181  
current beneficiary" as defined in section 1361(e)(2) of the 59182  
Internal Revenue Code, and with respect to a charitable lead trust 59183  
"qualifying beneficiary" is any current, future, or contingent 59184  
beneficiary, but with respect to any trust "qualifying 59185  
beneficiary" excludes a person or a governmental entity or 59186  
instrumentality to any of which a contribution would qualify for 59187  
the charitable deduction under section 170 of the Internal Revenue 59188  
Code. 59189

(d) For the purposes of division (I)(3)(a) of this section, 59190  
the extent to which a trust consists directly or indirectly, in 59191  
whole or in part, of assets, net of any related liabilities, that 59192

were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of

that testamentary trust was domiciled in this state at the time of 59224  
the testator's death for purposes of the taxes levied under 59225  
Chapter 5731. of the Revised Code. 59226

(ii) A trust is described in division (I)(3)(e)(ii) of this 59227  
section if the transfer is a qualifying transfer described in any 59228  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 59229  
irrevocable inter vivos trust, and at least one of the trust's 59230  
qualifying beneficiaries is domiciled in this state for purposes 59231  
of this chapter during all or some portion of the trust's current 59232  
taxable year. 59233

(f) For the purposes of division (I)(3)(e)(ii) of this 59234  
section, a "qualifying transfer" is a transfer of assets, net of 59235  
any related liabilities, directly or indirectly to a trust, if the 59236  
transfer is described in any of the following: 59237

(i) The transfer is made to a trust, created by the decedent 59238  
before the decedent's death and while the decedent was domiciled 59239  
in this state for the purposes of this chapter, and, prior to the 59240  
death of the decedent, the trust became irrevocable while the 59241  
decedent was domiciled in this state for the purposes of this 59242  
chapter. 59243

(ii) The transfer is made to a trust to which the decedent, 59244  
prior to the decedent's death, had directly or indirectly 59245  
transferred assets, net of any related liabilities, while the 59246  
decedent was domiciled in this state for the purposes of this 59247  
chapter, and prior to the death of the decedent the trust became 59248  
irrevocable while the decedent was domiciled in this state for the 59249  
purposes of this chapter. 59250

(iii) The transfer is made on account of a contractual 59251  
relationship existing directly or indirectly between the 59252  
transferor and either the decedent or the estate of the decedent 59253  
at any time prior to the date of the decedent's death, and the 59254

decedent was domiciled in this state at the time of death for 59255  
purposes of the taxes levied under Chapter 5731. of the Revised 59256  
Code. 59257

(iv) The transfer is made to a trust on account of a 59258  
contractual relationship existing directly or indirectly between 59259  
the transferor and another person who at the time of the 59260  
decedent's death was domiciled in this state for purposes of this 59261  
chapter. 59262

(v) The transfer is made to a trust on account of the will of 59263  
a testator. 59264

(vi) The transfer is made to a trust created by or caused to 59265  
be created by a court, and the trust was directly or indirectly 59266  
created in connection with or as a result of the death of an 59267  
individual who, for purposes of the taxes levied under Chapter 59268  
5731. of the Revised Code, was domiciled in this state at the time 59269  
of the individual's death. 59270

(g) The tax commissioner may adopt rules to ascertain the 59271  
part of a trust residing in this state. 59272

(J) "Nonresident" means an individual or estate that is not a 59273  
resident. An individual who is a resident for only part of a 59274  
taxable year is a nonresident for the remainder of that taxable 59275  
year. 59276

(K) "Pass-through entity" has the same meaning as in section 59277  
5733.04 of the Revised Code. 59278

(L) "Return" means the notifications and reports required to 59279  
be filed pursuant to this chapter for the purpose of reporting the 59280  
tax due and includes declarations of estimated tax when so 59281  
required. 59282

(M) "Taxable year" means the calendar year or the taxpayer's 59283  
fiscal year ending during the calendar year, or fractional part 59284

thereof, upon which the adjusted gross income is calculated 59285  
pursuant to this chapter. 59286

(N) "Taxpayer" means any person subject to the tax imposed by 59287  
section 5747.02 of the Revised Code or any pass-through entity 59288  
that makes the election under division (D) of section 5747.08 of 59289  
the Revised Code. 59290

(O) "Dependents" means dependents as defined in the Internal 59291  
Revenue Code and as claimed in the taxpayer's federal income tax 59292  
return for the taxable year or which the taxpayer would have been 59293  
permitted to claim had the taxpayer filed a federal income tax 59294  
return. 59295

(P) "Principal county of employment" means, in the case of a 59296  
nonresident, the county within the state in which a taxpayer 59297  
performs services for an employer or, if those services are 59298  
performed in more than one county, the county in which the major 59299  
portion of the services are performed. 59300

(Q) As used in sections 5747.50 to 5747.55 of the Revised 59301  
Code: 59302

(1) "Subdivision" means any county, municipal corporation, 59303  
park district, or township. 59304

(2) "Essential local government purposes" includes all 59305  
functions that any subdivision is required by general law to 59306  
exercise, including like functions that are exercised under a 59307  
charter adopted pursuant to the Ohio Constitution. 59308

(R) "Overpayment" means any amount already paid that exceeds 59309  
the figure determined to be the correct amount of the tax. 59310

(S) "Taxable income" or "Ohio taxable income" applies only to 59311  
estates and trusts, and means federal taxable income, as defined 59312  
and used in the Internal Revenue Code, adjusted as follows: 59313

(1) Add interest or dividends, net of ordinary, necessary, 59314



and reasonable expenses not deducted in computing federal taxable 59315  
income, on obligations or securities of any state or of any 59316  
political subdivision or authority of any state, other than this 59317  
state and its subdivisions and authorities, but only to the extent 59318  
that such net amount is not otherwise includible in Ohio taxable 59319  
income and is described in either division (S)(1)(a) or (b) of 59320  
this section: 59321

(a) The net amount is not attributable to the S portion of an 59322  
electing small business trust and has not been distributed to 59323  
beneficiaries for the taxable year; 59324

(b) The net amount is attributable to the S portion of an 59325  
electing small business trust for the taxable year. 59326

(2) Add interest or dividends, net of ordinary, necessary, 59327  
and reasonable expenses not deducted in computing federal taxable 59328  
income, on obligations of any authority, commission, 59329  
instrumentality, territory, or possession of the United States to 59330  
the extent that the interest or dividends are exempt from federal 59331  
income taxes but not from state income taxes, but only to the 59332  
extent that such net amount is not otherwise includible in Ohio 59333  
taxable income and is described in either division (S)(1)(a) or 59334  
(b) of this section; 59335

(3) Add the amount of personal exemption allowed to the 59336  
estate pursuant to section 642(b) of the Internal Revenue Code; 59337

(4) Deduct interest or dividends, net of related expenses 59338  
deducted in computing federal taxable income, on obligations of 59339  
the United States and its territories and possessions or of any 59340  
authority, commission, or instrumentality of the United States to 59341  
the extent that the interest or dividends are exempt from state 59342  
taxes under the laws of the United States, but only to the extent 59343  
that such amount is included in federal taxable income and is 59344  
described in either division (S)(1)(a) or (b) of this section; 59345

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable

year. 59378

(b) Add any amount not otherwise included in Ohio taxable 59379  
income for any taxable year to the extent that the amount is 59380  
attributable to the recovery during the taxable year of any amount 59381  
deducted or excluded in computing federal or Ohio taxable income 59382  
in any taxable year, but only to the extent such amount has not 59383  
been distributed to beneficiaries for the taxable year. 59384

(10) Deduct any portion of the deduction described in section 59385  
1341(a)(2) of the Internal Revenue Code, for repaying previously 59386  
reported income received under a claim of right, that meets both 59387  
of the following requirements: 59388

(a) It is allowable for repayment of an item that was 59389  
included in the taxpayer's taxable income or the decedent's 59390  
adjusted gross income for a prior taxable year and did not qualify 59391  
for a credit under division (A) or (B) of section 5747.05 of the 59392  
Revised Code for that year. 59393

(b) It does not otherwise reduce the taxpayer's taxable 59394  
income or the decedent's adjusted gross income for the current or 59395  
any other taxable year. 59396

(11) Add any amount claimed as a credit under section 59397  
5747.059 of the Revised Code to the extent that the amount 59398  
satisfies either of the following: 59399

(a) The amount was deducted or excluded from the computation 59400  
of the taxpayer's federal taxable income as required to be 59401  
reported for the taxpayer's taxable year under the Internal 59402  
Revenue Code; 59403

(b) The amount resulted in a reduction in the taxpayer's 59404  
federal taxable income as required to be reported for any of the 59405  
taxpayer's taxable years under the Internal Revenue Code. 59406

(12) Deduct any amount, net of related expenses deducted in 59407

computing federal taxable income, that a trust is required to 59408  
report as farm income on its federal income tax return, but only 59409  
if the assets of the trust include at least ten acres of land 59410  
satisfying the definition of "land devoted exclusively to 59411  
agricultural use" under section 5713.30 of the Revised Code, 59412  
regardless of whether the land is valued for tax purposes as such 59413  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 59414  
trust is a pass-through entity investor, section 5747.231 of the 59415  
Revised Code applies in ascertaining if the trust is eligible to 59416  
claim the deduction provided by division (S)(12) of this section 59417  
in connection with the pass-through entity's farm income. 59418

Except for farm income attributable to the S portion of an 59419  
electing small business trust, the deduction provided by division 59420  
(S)(12) of this section is allowed only to the extent that the 59421  
trust has not distributed such farm income. Division (S)(12) of 59422  
this section applies only to taxable years of a trust beginning in 59423  
2002 or thereafter. 59424

(13) Add the net amount of income described in section 641(c) 59425  
of the Internal Revenue Code to the extent that amount is not 59426  
included in federal taxable income. 59427

(14) Add or deduct the amount the taxpayer would be required 59428  
to add or deduct under division (A)(20) or (21) of this section if 59429  
the taxpayer's Ohio taxable income were computed in the same 59430  
manner as an individual's Ohio adjusted gross income is computed 59431  
under this section. In the case of a trust, division (S)(14) of 59432  
this section applies only to any of the trust's taxable years 59433  
beginning in 2002 or thereafter. 59434

(T) "School district income" and "school district income tax" 59435  
have the same meanings as in section 5748.01 of the Revised Code. 59436

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 59437  
of this section, "public obligations," "purchase obligations," and 59438

"interest or interest equivalent" have the same meanings as in 59439  
section 5709.76 of the Revised Code. 59440

(V) "Limited liability company" means any limited liability 59441  
company formed under Chapter 1705. of the Revised Code or under 59442  
the laws of any other state. 59443

(W) "Pass-through entity investor" means any person who, 59444  
during any portion of a taxable year of a pass-through entity, is 59445  
a partner, member, shareholder, or equity investor in that 59446  
pass-through entity. 59447

(X) "Banking day" has the same meaning as in section 1304.01 59448  
of the Revised Code. 59449

(Y) "Month" means a calendar month. 59450

(Z) "Quarter" means the first three months, the second three 59451  
months, the third three months, or the last three months of the 59452  
taxpayer's taxable year. 59453

(AA)(1) "Eligible institution" means a state university or 59454  
state institution of higher education as defined in section 59455  
3345.011 of the Revised Code, or a private, nonprofit college, 59456  
university, or other post-secondary institution located in this 59457  
state that possesses a certificate of authorization issued by the 59458  
Ohio board of regents pursuant to Chapter 1713. of the Revised 59459  
Code or a certificate of registration issued by the state board of 59460  
career colleges and schools under Chapter 3332. of the Revised 59461  
Code. 59462

(2) "Qualified tuition and fees" means tuition and fees 59463  
imposed by an eligible institution as a condition of enrollment or 59464  
attendance, not exceeding two thousand five hundred dollars in 59465  
each of the individual's first two years of post-secondary 59466  
education. If the individual is a part-time student, "qualified 59467  
tuition and fees" includes tuition and fees paid for the academic 59468  
equivalent of the first two years of post-secondary education 59469

during a maximum of five taxable years, not exceeding a total of 59470  
five thousand dollars. "Qualified tuition and fees" does not 59471  
include: 59472

(a) Expenses for any course or activity involving sports, 59473  
games, or hobbies unless the course or activity is part of the 59474  
individual's degree or diploma program; 59475

(b) The cost of books, room and board, student activity fees, 59476  
athletic fees, insurance expenses, or other expenses unrelated to 59477  
the individual's academic course of instruction; 59478

(c) Tuition, fees, or other expenses paid or reimbursed 59479  
through an employer, scholarship, grant in aid, or other 59480  
educational benefit program. 59481

(BB)(1) "Modified business income" means the business income 59482  
included in a trust's Ohio taxable income after such taxable 59483  
income is first reduced by the qualifying trust amount, if any. 59484

(2) "Qualifying trust amount" of a trust means capital gains 59485  
and losses from the sale, exchange, or other disposition of equity 59486  
or ownership interests in, or debt obligations of, a qualifying 59487  
investee to the extent included in the trust's Ohio taxable 59488  
income, but only if the following requirements are satisfied: 59489

(a) The book value of the qualifying investee's physical 59490  
assets in this state and everywhere, as of the last day of the 59491  
qualifying investee's fiscal or calendar year ending immediately 59492  
prior to the date on which the trust recognizes the gain or loss, 59493  
is available to the trust. 59494

(b) The requirements of section 5747.011 of the Revised Code 59495  
are satisfied for the trust's taxable year in which the trust 59496  
recognizes the gain or loss. 59497

Any gain or loss that is not a qualifying trust amount is 59498  
modified business income, qualifying investment income, or 59499

modified nonbusiness income, as the case may be. 59500

(3) "Modified nonbusiness income" means a trust's Ohio 59501  
taxable income other than modified business income, other than the 59502  
qualifying trust amount, and other than qualifying investment 59503  
income, as defined in section 5747.012 of the Revised Code, to the 59504  
extent such qualifying investment income is not otherwise part of 59505  
modified business income. 59506

(4) "Modified Ohio taxable income" applies only to trusts, 59507  
and means the sum of the amounts described in divisions (BB)(4)(a) 59508  
to (c) of this section: 59509

(a) The fraction, calculated under section 5747.013, and 59510  
applying section 5747.231 of the Revised Code, multiplied by the 59511  
sum of the following amounts: 59512

(i) The trust's modified business income; 59513

(ii) The trust's qualifying investment income, as defined in 59514  
section 5747.012 of the Revised Code, but only to the extent the 59515  
qualifying investment income does not otherwise constitute 59516  
modified business income and does not otherwise constitute a 59517  
qualifying trust amount. 59518

(b) The qualifying trust amount multiplied by a fraction, the 59519  
numerator of which is the sum of the book value of the qualifying 59520  
investee's physical assets in this state on the last day of the 59521  
qualifying investee's fiscal or calendar year ending immediately 59522  
prior to the day on which the trust recognizes the qualifying 59523  
trust amount, and the denominator of which is the sum of the book 59524  
value of the qualifying investee's total physical assets 59525  
everywhere on the last day of the qualifying investee's fiscal or 59526  
calendar year ending immediately prior to the day on which the 59527  
trust recognizes the qualifying trust amount. If, for a taxable 59528  
year, the trust recognizes a qualifying trust amount with respect 59529  
to more than one qualifying investee, the amount described in 59530

division (BB)(4)(b) of this section shall equal the sum of the 59531  
products so computed for each such qualifying investee. 59532

(c)(i) With respect to a trust or portion of a trust that is 59533  
a resident as ascertained in accordance with division (I)(3)(d) of 59534  
this section, its modified nonbusiness income. 59535

(ii) With respect to a trust or portion of a trust that is 59536  
not a resident as ascertained in accordance with division 59537  
(I)(3)(d) of this section, the amount of its modified nonbusiness 59538  
income satisfying the descriptions in divisions (B)(2) to (5) of 59539  
section 5747.20 of the Revised Code, except as otherwise provided 59540  
in division (BB)(4)(c)(ii) of this section. With respect to a 59541  
trust or portion of a trust that is not a resident as ascertained 59542  
in accordance with division (I)(3)(d) of this section, the trust's 59543  
portion of modified nonbusiness income recognized from the sale, 59544  
exchange, or other disposition of a debt interest in or equity 59545  
interest in a section 5747.212 entity, as defined in section 59546  
5747.212 of the Revised Code, without regard to division (A) of 59547  
that section, shall not be allocated to this state in accordance 59548  
with section 5747.20 of the Revised Code but shall be apportioned 59549  
to this state in accordance with division (B) of section 5747.212 59550  
of the Revised Code without regard to division (A) of that 59551  
section. 59552

If the allocation and apportionment of a trust's income under 59553  
divisions (BB)(4)(a) and (c) of this section do not fairly 59554  
represent the modified Ohio taxable income of the trust in this 59555  
state, the alternative methods described in division (C) of 59556  
section 5747.21 of the Revised Code may be applied in the manner 59557  
and to the same extent provided in that section. 59558

(5)(a) Except as set forth in division (BB)(5)(b) of this 59559  
section, "qualifying investee" means a person in which a trust has 59560  
an equity or ownership interest, or a person or unit of government 59561  
the debt obligations of either of which are owned by a trust. For 59562



the purposes of division (BB)(2)(a) of this section and for the 59563  
purpose of computing the fraction described in division (BB)(4)(b) 59564  
of this section, all of the following apply: 59565

(i) If the qualifying investee is a member of a qualifying 59566  
controlled group on the last day of the qualifying investee's 59567  
fiscal or calendar year ending immediately prior to the date on 59568  
which the trust recognizes the gain or loss, then "qualifying 59569  
investee" includes all persons in the qualifying controlled group 59570  
on such last day. 59571

(ii) If the qualifying investee, or if the qualifying 59572  
investee and any members of the qualifying controlled group of 59573  
which the qualifying investee is a member on the last day of the 59574  
qualifying investee's fiscal or calendar year ending immediately 59575  
prior to the date on which the trust recognizes the gain or loss, 59576  
separately or cumulatively own, directly or indirectly, on the 59577  
last day of the qualifying investee's fiscal or calendar year 59578  
ending immediately prior to the date on which the trust recognizes 59579  
the qualifying trust amount, more than fifty per cent of the 59580  
equity of a pass-through entity, then the qualifying investee and 59581  
the other members are deemed to own the proportionate share of the 59582  
pass-through entity's physical assets which the pass-through 59583  
entity directly or indirectly owns on the last day of the 59584  
pass-through entity's calendar or fiscal year ending within or 59585  
with the last day of the qualifying investee's fiscal or calendar 59586  
year ending immediately prior to the date on which the trust 59587  
recognizes the qualifying trust amount. 59588

(iii) For the purposes of division (BB)(5)(a)(iii) of this 59589  
section, "upper level pass-through entity" means a pass-through 59590  
entity directly or indirectly owning any equity of another 59591  
pass-through entity, and "lower level pass-through entity" means 59592  
that other pass-through entity. 59593

An upper level pass-through entity, whether or not it is also 59594

a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other

disposition of equity or ownership interests in, or debt obligations of, the C corporation.	59627 59628
(ii) Such gain or loss constitutes nonbusiness income.	59629
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	59630 59631 59632 59633
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	59634 59635
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	59636 59637
(EE)(1) For the purposes of division (EE) of this section:	59638
(a) "Qualifying person" means any person other than a qualifying corporation.	59639 59640
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	59641 59642 59643
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	59644 59645 59646 59647
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	59648 59649 59650 59651
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	59652 59653 59654
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	59655 59656

(1) "Trust" does not include a qualified pre-income tax trust. 59657  
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(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section. 59659  
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(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 59662  
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 59673  
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 59675  
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(b) The trust became irrevocable upon the creation of the trust; and 59677  
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(c) The grantor was domiciled in this state at the time the trust was created. 59679  
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**Sec. 5747.03.** (A) All money collected under this chapter arising from the taxes imposed by section 5747.02 or 5747.41 of the Revised Code shall be credited to the general revenue fund, except that the treasurer of state shall+ 59681  
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~~(1) Credit an amount equal to four and two tenths per cent of those taxes collected under this chapter to the local government~~ 59685  
59686

~~fund, which is hereby created in the state treasury, for 59687  
distribution in accordance with section 5747.50 of the Revised 59688  
Code; 59689~~

~~(2) Credit an amount equal to five and seven tenths per cent 59690  
of those taxes collected under this chapter to the library and 59691  
local government support fund, which is hereby created in the 59692  
state treasury, for distribution in accordance with section 59693  
5747.47 of the Revised Code; 59694~~

~~(3) At, at the beginning of each calendar quarter, credit to 59695  
the Ohio political party fund, pursuant to section 3517.16 of the 59696  
Revised Code, an amount equal to the total dollar value realized 59697  
from the taxpayer exercise of the income tax checkoff option on 59698  
tax forms processed during the preceding calendar quarter; 59699~~

~~(4) Credit an amount equal to six tenths of one per cent of 59700  
those taxes collected under this chapter to the local government 59701  
revenue assistance fund for distribution in accordance with 59702  
section 5747.61 of the Revised Code. 59703~~

(B)(1) Following the crediting of moneys pursuant to division 59704  
(A) of this section, the remainder deposited in the general 59705  
revenue fund shall be distributed pursuant to division (F) of 59706  
section 321.24 and section 323.156 of the Revised Code; to make 59707  
subsidy payments to institutions of higher education from 59708  
appropriations to the Ohio board of regents; to support 59709  
expenditures for programs and services for the mentally ill, 59710  
mentally retarded, developmentally disabled, and elderly; for 59711  
primary and secondary education; for medical assistance; and for 59712  
any other purposes authorized by law, subject to the limitation 59713  
that at least fifty per cent of the income tax collected by the 59714  
state from the tax imposed by section 5747.02 of the Revised Code 59715  
shall be returned pursuant to Section 9 of Article XII, Ohio 59716  
Constitution. 59717

(2) To ensure that such constitutional requirement is 59718  
satisfied the tax commissioner shall, on or before the thirtieth 59719  
day of June of each year, from the best information available to 59720  
the tax commissioner, determine and certify for each county to the 59721  
director of budget and management the amount of taxes collected 59722  
under this chapter from the tax imposed under section 5747.02 of 59723  
the Revised Code during the preceding calendar year that are 59724  
required to be returned to the county by Section 9 of Article XII, 59725  
Ohio Constitution. The director shall provide for payment from the 59726  
general revenue fund to the county in the amount, if any, that the 59727  
sum of the amount so certified for that county exceeds the sum of 59728  
the following: 59729

(a) The sum of the payments from the general revenue fund for 59730  
the preceding calendar year credited to the ~~credit of the~~ county's 59731  
undivided income tax fund pursuant to division (F) of section 59732  
321.24 and section 323.156 of the Revised Code or made directly 59733  
from the general revenue fund to political subdivisions located in 59734  
the county; 59735

(b) The sum of the amounts from the general revenue fund 59736  
distributed in the county during the preceding calendar year for 59737  
subsidy payments to institutions of higher education from 59738  
appropriations to the Ohio board of regents; for programs and 59739  
services for mentally ill, mentally retarded, developmentally 59740  
disabled, and elderly persons; for primary and secondary 59741  
education; and for medical assistance. 59742

(c) ~~The~~ In the case of payments made by the director under 59743  
this division in 2007, the total amount distributed to the county 59744  
during the preceding calendar year from the local government fund 59745  
and the local government revenue assistance fund, and, in the case 59746  
of payments made by the director under this division in subsequent 59747  
calendar years, the amount distributed to the county from the 59748  
local government fund; 59749

(d) ~~The~~ In the case of payments made by the director under 59750  
this division, the total amount distributed to the county during 59751  
the preceding calendar year from the library and local government 59752  
support fund~~+~~ 59753

~~(e) The amount distributed to the county during the preceding~~ 59754  
~~calendar year from the local government revenue assistance fund.~~ 59755

Payments under this division shall be credited to the 59756  
county's undivided income tax fund, except that, notwithstanding 59757  
section 5705.14 of the Revised Code, such payments may be 59758  
transferred by the board of county commissioners to the county 59759  
general fund by resolution adopted with the affirmative vote of 59760  
two-thirds of the members thereof. 59761

(C) All payments received in each month from taxes imposed 59762  
under Chapter 5748. of the Revised Code and any penalties or 59763  
interest thereon shall be paid into the school district income tax 59764  
fund, which is hereby created in the state treasury, except that 59765  
an amount equal to the following portion of such payments shall be 59766  
paid into the general school district income tax administrative 59767  
fund, which is hereby created in the state treasury: 59768

(1) One and three-quarters of one per cent of those received 59769  
in fiscal year 1996; 59770

(2) One and one-half per cent of those received in fiscal 59771  
year 1997 and thereafter. 59772

Money in the school district income tax administrative fund 59773  
shall be used by the tax commissioner to defray costs incurred in 59774  
administering the school district's income tax, including the cost 59775  
of providing employers with information regarding the rate of tax 59776  
imposed by any school district. Any moneys remaining in the fund 59777  
after such use shall be deposited in the school district income 59778  
tax fund. 59779

All interest earned on moneys in the school district income 59780

tax fund shall be credited to the fund. 59781

(D)(1)(a) Within thirty days of the end of each calendar 59782  
quarter ending on the last day of March, June, September, and 59783  
December, the director of budget and management shall make a 59784  
payment from the school district income tax fund to each school 59785  
district for which school district income tax revenue was received 59786  
during that quarter. The amount of the payment shall equal the 59787  
balance in the school district's account at the end of that 59788  
quarter. 59789

(b) After a school district ceases to levy an income tax, the 59790  
director of budget and management shall adjust the payments under 59791  
division (D)(1)(a) of this section to retain sufficient money in 59792  
the school district's account to pay refunds. For the calendar 59793  
quarters ending on the last day of March and December of the 59794  
calendar year following the last calendar year the tax is levied, 59795  
the director shall make the payments in the amount required under 59796  
division (D)(1)(a) of this section. For the calendar quarter 59797  
ending on the last day of June of the calendar year following the 59798  
last calendar year the tax is levied, the director shall make a 59799  
payment equal to nine-tenths of the balance in the account at the 59800  
end of that quarter. For the calendar quarter ending on the last 59801  
day of September of the calendar year following the last calendar 59802  
year the tax is levied, the director shall make no payment. For 59803  
the second and succeeding calendar years following the last 59804  
calendar year the tax is levied, the director shall make one 59805  
payment each year, within thirty days of the last day of June, in 59806  
an amount equal to the balance in the district's account on the 59807  
last day of June. 59808

(2) Moneys paid to a school district under this division 59809  
shall be deposited in its school district income tax fund. All 59810  
interest earned on moneys in the school district income tax fund 59811  
shall be apportioned by the tax commissioner pro rata among the 59812



school districts in the proportions and at the times the districts 59813  
are entitled to receive payments under this division. 59814

**Sec. 5747.47.** (A)(1) By the twentieth day of July of each 59815  
year, the tax commissioner shall estimate and certify the 59816  
following for each county to its county auditor: 59817

(a) Its guaranteed share of the ensuing year's fund balance; 59818

(b) Its share of the excess of the ensuing year's fund 59819  
balance; 59820

(c) Its total entitlement. 59821

(2) In December and in June following such estimations and 59822  
certifications, the commissioner shall revise such estimates and 59823  
certify such revised estimates to the respective county auditors. 59824

(B) By the tenth day of each month the commissioner shall 59825  
distribute the amount credited to the library and local government 59826  
support fund ~~from taxes collected under this chapter during the~~ 59827  
~~preceding month~~ in the current month under section 131.51 of the 59828  
Revised Code. The distributions shall be made as follows: 59829

(1) During the first six months of each year, each county 59830  
shall be paid a percentage of the balance that is the same per 59831  
cent that the revised estimate of the county's total entitlement 59832  
certified in December under division (A)(2) of this section is of 59833  
the sum of such revised estimates of the total entitlements for 59834  
all counties. 59835

(2) During the last six months, each county shall be paid a 59836  
percentage of the balance that is the same per cent that the 59837  
revised estimate of the county's total entitlement certified in 59838  
June under division (A)(2) of this section is of the sum of such 59839  
revised estimates of the total entitlements for all counties. 59840

(3) During each of the first six months of each year, the 59841  
payments made to each county shall be adjusted as follows: 59842

(a) If the county received an overpayment during the preceding distribution year, reduce the sum of the payments by the amount of such overpayment. The reduction shall be apportioned over the six months.

(b) If the county received an underpayment during the preceding distribution year, increase the sum of the payments by the amount of such underpayment. The increase shall be apportioned over the six months.

(C) By the twentieth day of December of each year, the tax commissioner shall determine and certify to the auditor of each county each of the following with respect to the current distribution year:

(1) The year's fund balance;

(2) Each county's guaranteed share;

(3) Each county's share of the excess;

(4) Each county's total entitlement;

(5) Each county's net distribution;

(6) The amount by which each county's net distribution exceeded or was less than its total entitlement, which amount shall constitute the county's overpayment or underpayment for purposes of division (B)(3) of this section in the ensuing distribution year.

**Sec. 5747.50.** (A) As used in this section:

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code ~~for use in the current calendar year.~~

(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 59872  
plus the payments made to the county's undivided local government 59873  
fund in 1983 from the tax imposed on deposits under division (C) 59874  
of section 5707.03 of the Revised Code. 59875~~

~~(3) "Amount available for distribution under division (B) of 59876  
this section" means for any calendar year, both of the following: 59877~~

~~(a) Nine tenths of the difference between the amount 59878  
available for distribution under this section during that year and 59879  
the deposit tax revenue of all counties; 59880~~

~~(b) The deposit tax revenue of all counties less six million 59881  
dollars. 59882~~

~~Each year, an amount equal to the amount available for 59883  
distribution under division (B) of this section shall be 59884  
distributed from the local government fund as provided in that 59885  
division. The balance in the fund available for distribution in 59886  
that year under this section and not available for distribution 59887  
under this division shall be distributed in accordance with 59888  
division (C) of this section. The tax commissioner shall determine 59889  
in each month what proportion of that month's local government 59890  
fund balance shall be distributed under division (B) of this 59891  
section and what proportion shall be distributed under division 59892  
(C) of this section "County's proportionate share of the total 59893  
amount of the local government fund additional revenue formula" 59894  
means each county's proportionate share of the state's population 59895  
as determined for and certified to the county for distributions to 59896  
be made during the current calendar year under division (B)(2)(a) 59897  
of section 5747.501 of the Revised Code. If prior to the first day 59898  
of January of the current calendar year the federal government has 59899  
issued a revision to the population figures reflected in the 59900  
estimate produced pursuant to division (B)(2)(a) of section 59901  
5747.501 of the Revised Code, such revised population figures 59902  
shall be used for making the distributions during the current 59903~~

calendar year. 59904

(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 59905  
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(a) The total amount available for distribution to counties from the local government fund during the current month. 59909  
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(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 59911  
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(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero. 59916  
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(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section. 59924  
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(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to ~~the county treasurer of~~ each county ~~of~~ an amount equal to the sum of: 59929  
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(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided 59932  
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that if the 2007 LGF and LGRAF county distribution base available 59935  
in that month is zero, no payment shall be made under division 59936  
(B)(1) of this section for the month or the remainder of the 59937  
calendar year; and 59938

(2) The county's proportionate share of the total amount of 59939  
the local government fund additional revenue formula multiplied by 59940  
the local government fund additional revenue distribution base 59941  
available for distribution during that month under this division, 59942  
except as otherwise provided and in such a way that on the last 59943  
day of each calendar year, each county shall have received an 59944  
amount equal to its proportionate share of the amount available 59945  
for distribution under this division during that year. Counties 59946  
whose proportionate shares are less than their 1983 shares shall 59947  
receive an amount equal to their 1983 shares during the year in 59948  
lieu of their proportionate shares, and the amounts required to be 59949  
paid to all other counties shall be proportionately reduced to 59950  
fund such deficiency. If any county receives payments in any year 59951  
that exceed the amount to which it is entitled, that excess shall 59952  
be deducted from the payments due the county in the ensuing 59953  
calendar year and apportioned among and paid to the counties that 59954  
did not receive any such excess. 59955

The amount paid to any county in any month shall not be less 59956  
than twenty five thousand dollars unless a smaller payment is 59957  
required in order to avoid paying that county more during the year 59958  
than the amount to which it is entitled for that year. 59959

Money received into the treasury of a county under this 59960  
division shall be credited to the undivided local government fund 59961  
in the treasury of the county on or before the fifteenth day of 59962  
each month. The On or before the twentieth day of each month, the 59963  
county auditor shall issue warrants against all of the undivided 59964  
local government fund in the county treasury in the respective 59965  
amounts allowed as provided in section 5747.51 of the Revised 59966

Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation which had in effect during the preceding calendar year a tax imposed under Chapter 718. of the Revised Code. The amount paid to each municipal corporation shall bear the same an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount to be distributed to all such municipal corporations under this division as the total income taxes collected by such municipal corporation during the second calendar year preceding the year in which distribution is made bears to the total amount of such taxes collected by all municipal corporations during such period 2007 by the total amount available for distribution to municipal corporations during the current month. Payments

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under this division during any calendar year shall not exceed the amount distributed directly from the local government fund to municipal corporations during calendar year 2007. If that maximum amount is reached during any month, distributions to municipal corporations in that month shall be as provided in divisions (C)(1) and (2) of this section, but no further distributions shall be made to municipal corporations under division (C) of this section during the remainder of the calendar year.

(5) Upon being informed of a municipal corporation's dissolution, the tax commissioner shall cease providing for payments to that municipal corporation under division (C) of this section. The proportionate shares of the total amount available for distribution to each of the remaining municipal corporations under this division shall be increased on a pro rata basis.

(D) Each municipal corporation which has in effect a tax imposed under Chapter 718. of the Revised Code shall, no later than the thirty-first day of August of each year, certify to the tax commissioner the total amount of income taxes collected by such municipal corporation pursuant to such chapter during the preceding calendar year. The tax commissioner ~~shall~~ may withhold payment of local government fund moneys pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

**Sec. 5747.501.** (A) ~~By~~ On or before the fifteenth twenty-fifth day of ~~December~~ July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be ~~paid into distributed from~~ the local government fund ~~for distribution to each undivided local government fund~~ during the following calendar year under section 5747.50 of the Revised Code. The ~~commissioner estimate~~ shall ~~then determine~~ equal the sum of the

~~separate amounts that would be paid to each county if the amount  
so certified were distributed computed under divisions (A)(B)(1)  
and (2) of this section as follows:~~

~~(1)(a) As used in this division and in section 5747.50 of the  
Revised Code, "deposit tax revenue" means one hundred forty five  
and forty five one hundredths per cent of 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.~~

~~(b) Compute each county's deposit tax revenue.~~

~~(c) Determine how much each county would receive if  
nine tenths of the difference between the amount certified under  
division (A) of this section and the sum of all counties' deposit  
tax revenues, less six million dollars, were allocated among the  
counties in the following year as follows:~~

~~(i) Seventy five per cent of said amount shall be apportioned  
in the ratio that the total of the real, public utility, and  
tangible personal property tax duplicates of the municipal  
corporations, or parts thereof, in the county for the year next  
preceding the year in which the computation is made bears to the  
total aggregate real, public utility, and tangible personal  
property tax duplicates of all the municipal corporations in the  
state for the same year.~~

~~(ii) Twenty five per cent shall be apportioned among all the  
counties in the ratio that the population of the county at the  
last federal decennial census bears to the total population of the  
state.~~

~~(iii) Adjust the sum of the allocations under divisions  
(A)(1)(c)(i) and (ii) for each county so that the sum allocated to  
each county under those divisions is at least two hundred  
twenty five thousand dollars. If such an adjustment is made, the~~



~~sum of the apportionments to the counties for which no adjustment is necessary shall be proportionately reduced so that the sum of the allocations to all counties equals the amount to be allocated under divisions (A)(1)(c)(i) to (iii) of this section.~~ 60060  
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~~(d) Add the amount allocated to each county under division (A)(1)(c) to its deposit tax revenue.~~ 60064  
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~~(2) Determine how much each county would receive if nine tenths of the amount certified by the commissioner, less six million dollars, were allocated in the manner prescribed by division (A)(1)(c) of this section.~~ 60066  
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~~(B) Upon the completion of the computations required by division (A) of this section, the commissioner shall assign to each county, the amount computed for it under division (A)(1)(d) of this section or the amount computed under division (A)(2) of this section, whichever is the higher amount, and compute the 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.~~ 60070  
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~~(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.~~ 60083  
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~~(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local government fund distributions to counties for~~ 60087  
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the following year are projected to be less than what was 60091  
distributed to counties from the local government fund and local 60092  
government revenue assistance fund during calendar year 2007. 60093

(2) The product obtained by multiplying the percentage 60094  
described in division (B)(2)(a) of this section by the amount 60095  
described in division (B)(2)(b) of this section. 60096

(a) Each county's proportionate share of the state's 60097  
population as reflected in the most recent federal decennial 60098  
census or the federal government's most recent census estimates, 60099  
whichever represents the most recent year. 60100

(b) The amount by which total estimated distributions from 60101  
the local government fund during the immediately succeeding 60102  
calendar year, less the total estimated amount to be distributed 60103  
from the fund to municipal corporations under division (C) of 60104  
section 5747.50 of the Revised Code during the immediately 60105  
succeeding calendar year, exceed the total amount distributed to 60106  
counties from the local government fund and local government 60107  
revenue assistance fund during calendar year 2007. 60108

**Sec. 5747.51.** (A) ~~Within ten days after~~ On or before the 60109  
~~fifteenth~~ twenty-fifth day of July of each year, the tax 60110  
commissioner shall make and certify to the county auditor of each 60111  
county an estimate of the amount of the local government fund to 60112  
be allocated to the undivided local government fund of each county 60113  
for the ensuing calendar year and the estimated amount to be 60114  
received by the undivided local government fund of each county 60115  
from the taxes levied pursuant to section 5707.03 of the Revised 60116  
Code for the ensuing calendar year. 60117

(B) At each annual regular session of the county budget 60118  
commission convened pursuant to section 5705.27 of the Revised 60119  
Code, each auditor shall present to the commission the certificate 60120  
of the commissioner, the annual tax budget and estimates, and the 60121

records showing the action of the commission in its last preceding 60122  
regular session. The estimates shown on the certificate of the 60123  
commissioner of the amount to be allocated from the local 60124  
government fund and the amount to be received from taxes levied 60125  
pursuant to section 5707.03 of the Revised Code shall be combined 60126  
into one total comprising the estimate of the undivided local 60127  
government fund of the county. The commission, after extending to 60128  
the representatives of each subdivision an opportunity to be 60129  
heard, under oath administered by any member of the commission, 60130  
and considering all the facts and information presented to it by 60131  
the auditor, shall determine the amount of the undivided local 60132  
government fund needed by and to be apportioned to each 60133  
subdivision for current operating expenses, as shown in the tax 60134  
budget of the subdivision. This determination shall be made 60135  
pursuant to divisions (C) to (I) of this section, unless the 60136  
commission has provided for a formula pursuant to section 5747.53 60137  
of the Revised Code. 60138

Nothing in this section prevents the budget commission, for 60139  
the purpose of apportioning the undivided local government fund, 60140  
from inquiring into the claimed needs of any subdivision as stated 60141  
in its tax budget, or from adjusting claimed needs to reflect 60142  
actual needs. For the purposes of this section, "current operating 60143  
expenses" means the lawful expenditures of a subdivision, except 60144  
those for permanent improvements and except payments for interest, 60145  
sinking fund, and retirement of bonds, notes, and certificates of 60146  
indebtedness of the subdivision. 60147

(C) The commission shall determine the combined total of the 60148  
estimated expenditures, including transfers, from the general fund 60149  
and any special funds other than special funds established for 60150  
road and bridge; street construction, maintenance, and repair; 60151  
state highway improvement; and gas, water, sewer, and electric 60152  
public utilities operated by a subdivision, as shown in the 60153

subdivision's tax budget for the ensuing calendar year. 60154

(D) From the combined total of expenditures calculated 60155  
pursuant to division (C) of this section, the commission shall 60156  
deduct the following expenditures, if included in these funds in 60157  
the tax budget: 60158

(1) Expenditures for permanent improvements as defined in 60159  
division (E) of section 5705.01 of the Revised Code; 60160

(2) In the case of counties and townships, transfers to the 60161  
road and bridge fund, and in the case of municipalities, transfers 60162  
to the street construction, maintenance, and repair fund and the 60163  
state highway improvement fund; 60164

(3) Expenditures for the payment of debt charges; 60165

(4) Expenditures for the payment of judgments. 60166

(E) In addition to the deductions made pursuant to division 60167  
(D) of this section, revenues accruing to the general fund and any 60168  
special fund considered under division (C) of this section from 60169  
the following sources shall be deducted from the combined total of 60170  
expenditures calculated pursuant to division (C) of this section: 60171

(1) Taxes levied within the ten-mill limitation, as defined 60172  
in section 5705.02 of the Revised Code; 60173

(2) The budget commission allocation of estimated county 60174  
library and local government support fund revenues to be 60175  
distributed pursuant to section 5747.48 of the Revised Code; 60176

(3) Estimated unencumbered balances as shown on the tax 60177  
budget as of the thirty-first day of December of the current year 60178  
in the general fund, but not any estimated balance in any special 60179  
fund considered in division (C) of this section; 60180

(4) Revenue, including transfers, shown in the general fund 60181  
and any special funds other than special funds established for 60182  
road and bridge; street construction, maintenance, and repair; 60183

state highway improvement; and gas, water, sewer, and electric 60184  
public utilities, from all other sources except those that a 60185  
subdivision receives from an additional tax or service charge 60186  
voted by its electorate or receives from special assessment or 60187  
revenue bond collection. For the purposes of this division, where 60188  
the charter of a municipal corporation prohibits the levy of an 60189  
income tax, an income tax levied by the legislative authority of 60190  
such municipal corporation pursuant to an amendment of the charter 60191  
of that municipal corporation to authorize such a levy represents 60192  
an additional tax voted by the electorate of that municipal 60193  
corporation. For the purposes of this division, any measure 60194  
adopted by a board of county commissioners pursuant to section 60195  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 60196  
including those measures upheld by the electorate in a referendum 60197  
conducted pursuant to section 322.021, 324.021, 4504.021, or 60198  
5739.022 of the Revised Code, shall not be considered an 60199  
additional tax voted by the electorate. 60200

Subject to division (G) of section 5705.29 of the Revised 60201  
Code, money in a reserve balance account established by a county, 60202  
township, or municipal corporation under section 5705.13 of the 60203  
Revised Code shall not be considered an unencumbered balance or 60204  
revenue under division (E)(3) or (4) of this section. Money in a 60205  
reserve balance account established by a township under section 60206  
5705.132 of the Revised Code shall not be considered an 60207  
unencumbered balance or revenue under division (E)(3) or (4) of 60208  
this section. 60209

If a county, township, or municipal corporation has created 60210  
and maintains a nonexpendable trust fund under section 5705.131 of 60211  
the Revised Code, the principal of the fund, and any additions to 60212  
the principal arising from sources other than the reinvestment of 60213  
investment earnings arising from such a fund, shall not be 60214  
considered an unencumbered balance or revenue under division 60215

(E)(3) or (4) of this section. Only investment earnings arising 60216  
from investment of the principal or investment of such additions 60217  
to principal may be considered an unencumbered balance or revenue 60218  
under those divisions. 60219

(F) The total expenditures calculated pursuant to division 60220  
(C) of this section, less the deductions authorized in divisions 60221  
(D) and (E) of this section, shall be known as the "relative need" 60222  
of the subdivision, for the purposes of this section. 60223

(G) The budget commission shall total the relative need of 60224  
all participating subdivisions in the county, and shall compute a 60225  
relative need factor by dividing the total estimate of the 60226  
undivided local government fund by the total relative need of all 60227  
participating subdivisions. 60228

(H) The relative need of each subdivision shall be multiplied 60229  
by the relative need factor to determine the proportionate share 60230  
of the subdivision in the undivided local government fund of the 60231  
county; provided, that the maximum proportionate share of a county 60232  
shall not exceed the following maximum percentages of the total 60233  
estimate of the undivided local government fund governed by the 60234  
relationship of the percentage of the population of the county 60235  
that resides within municipal corporations within the county to 60236  
the total population of the county as reported in the reports on 60237  
population in Ohio by the department of development as of the 60238  
twentieth day of July of the year in which the tax budget is filed 60239  
with the budget commission: 60240

Percentage of	Percentage share	60241
municipal population	of the county	60242
within the county:	shall not exceed:	60243
Less than forty-one per cent	Sixty per cent	60244
Forty-one per cent or more but less		60245
than eighty-one per cent	Fifty per cent	60246
Eighty-one per cent or more	Thirty per cent	60247

Where the proportionate share of the county exceeds the 60248  
limitations established in this division, the budget commission 60249  
shall adjust the proportionate shares determined pursuant to this 60250  
division so that the proportionate share of the county does not 60251  
exceed these limitations, and it shall increase the proportionate 60252  
shares of all other subdivisions on a pro rata basis. In counties 60253  
having a population of less than one hundred thousand, not less 60254  
than ten per cent shall be distributed to the townships therein. 60255

(I) The proportionate share of each subdivision in the 60256  
undivided local government fund determined pursuant to division 60257  
(H) of this section for any calendar year shall not be less than 60258  
the product of the average of the percentages of the undivided 60259  
local government fund of the county as apportioned to that 60260  
subdivision for the calendar years 1968, 1969, and 1970, 60261  
multiplied by the total amount of the undivided local government 60262  
fund of the county apportioned pursuant to former section 5735.23 60263  
of the Revised Code for the calendar year 1970. For the purposes 60264  
of this division, the total apportioned amount for the calendar 60265  
year 1970 shall be the amount actually allocated to the county in 60266  
1970 from the state collected intangible tax as levied by section 60267  
5707.03 of the Revised Code and distributed pursuant to section 60268  
5725.24 of the Revised Code, plus the amount received by the 60269  
county in the calendar year 1970 pursuant to division (B)(1) of 60270  
former section 5739.21 of the Revised Code, and distributed 60271  
pursuant to former section 5739.22 of the Revised Code. If the 60272  
total amount of the undivided local government fund for any 60273  
calendar year is less than the amount of the undivided local 60274  
government fund apportioned pursuant to former section 5739.23 of 60275  
the Revised Code for the calendar year 1970, the minimum amount 60276  
guaranteed to each subdivision for that calendar year pursuant to 60277  
this division shall be reduced on a basis proportionate to the 60278  
amount by which the amount of the undivided local government fund 60279  
for that calendar year is less than the amount of the undivided 60280

local government fund apportioned for the calendar year 1970. 60281

(J) On the basis of such apportionment, the county auditor 60282  
shall compute the percentage share of each such subdivision in the 60283  
undivided local government fund and shall at the same time certify 60284  
to the tax commissioner the percentage share of the county as a 60285  
subdivision. No payment shall be made from the undivided local 60286  
government fund, except in accordance with such percentage shares. 60287

Within ten days after the budget commission has made its 60288  
apportionment, whether conducted pursuant to section 5747.51 or 60289  
5747.53 of the Revised Code, the auditor shall publish a list of 60290  
the subdivisions and the amount each is to receive from the 60291  
undivided local government fund and the percentage share of each 60292  
subdivision, in a newspaper or newspapers of countywide 60293  
circulation, and send a copy of such allocation to the tax 60294  
commissioner. 60295

The county auditor shall also send by certified mail, return 60296  
receipt requested, a copy of such allocation to the fiscal officer 60297  
of each subdivision entitled to participate in the allocation of 60298  
the undivided local government fund of the county. This copy shall 60299  
constitute the official notice of the commission action referred 60300  
to in section 5705.37 of the Revised Code. 60301

All money received into the treasury of a subdivision from 60302  
the undivided local government fund in a county treasury shall be 60303  
paid into the general fund and used for the current operating 60304  
expenses of the subdivision. 60305

If a municipal corporation maintains a municipal university, 60306  
such municipal university, when the board of trustees so requests 60307  
the legislative authority of the municipal corporation, shall 60308  
participate in the money apportioned to such municipal corporation 60309  
from the total local government fund, however created and 60310  
constituted, in such amount as requested by the board of trustees, 60311



provided such sum does not exceed nine per cent of the total 60312  
amount paid to the municipal corporation. 60313

If any public official fails to maintain the records required 60314  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 60315  
issued by the tax commissioner, the auditor of state, or the 60316  
treasurer of state pursuant to such sections, or fails to comply 60317  
with any law relating to the enforcement of such sections, the 60318  
local government fund money allocated to the county ~~shall~~ may be 60319  
withheld until such time as the public official has complied with 60320  
such sections or such law or the rules issued pursuant thereto. 60321

**Sec. 5747.54.** The tax commissioner ~~shall not distribute~~ may 60322  
withhold distributions of local government fund money to any 60323  
county where the county auditor has failed to certify to the tax 60324  
commissioner the percentage share of the undivided local 60325  
government fund of the county as a subdivision for the year for 60326  
which distribution is to be made. The director ~~shall~~ of budget and 60327  
management may direct the tax commissioner to withhold from ~~such a~~ 60328  
county the percentage of the amount distributable thereto that 60329  
constitutes the share of the county as a subdivision of the local 60330  
government fund so long as such county is indebted or otherwise 60331  
obligated to the state, until such indebtedness or other 60332  
obligation has been duly paid, but no distribution of such 60333  
percentage share of the local government fund shall be withheld 60334  
unless an itemized statement of such indebtedness is furnished the 60335  
county auditor of the county from which the indebtedness is due at 60336  
least thirty days prior to the withholding of the distribution. 60337

Any indebtedness or obligation of the state to a county shall 60338  
be deducted from the amount owing to the state by such county in 60339  
determining the indebtedness or obligation as to which 60340  
distribution is withheld. 60341

<u>Sec. 5747.77. (A) As used in this section:</u>	60342
<u>(1) "Alternative fuel" means E85 blend fuel or blended biodiesel.</u>	60343 60344
<u>(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels.</u>	60345 60346 60347 60348 60349
<u>(3) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel and meets the American society for testing and materials specification for blended diesel fuel.</u>	60350 60351 60352 60353 60354
<u>(4) "Diesel fuel" means any liquid fuel that is capable of use in discrete form or as a blend component in the operation of engines of the diesel type.</u>	60355 60356 60357
<u>(5) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources that meet all of the specifications in the American society for testing and materials (ASTM) specification D 4806-88 and is denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.</u>	60358 60359 60360 60361 60362 60363 60364 60365 60366 60367
<u>(6) "E85 blend fuel" means fuel containing eighty-five per cent or more ethanol, or containing any other percentage of not less than seventy per cent ethanol if the United States department of energy determines, by rule, that the lower percentage is</u>	60368 60369 60370 60371

necessary to provide for the requirements of cold start, safety, 60372  
or other vehicle functions, and that meets the American society 60373  
for testing and materials specification for E85 blend fuel. 60374

(7) "Retail dealer" means any person that is a taxpayer under 60375  
this chapter that owns or operates a retail service station 60376  
located in this state. 60377

(8) "Retail service station" means a location in this state 60378  
from which alternative fuel is sold to the general public and is 60379  
dispensed or pumped directly into motor vehicle fuel tanks for 60380  
consumption. 60381

(B) For taxable years ending in 2008 and 2009, there is 60382  
hereby allowed a nonrefundable credit against the tax imposed by 60383  
section 5747.02 of the Revised Code for a retail dealer that sells 60384  
alternative fuel. The credit for a dealer's taxable year ending in 60385  
2008 shall equal fifteen cents per gallon of alternative fuel sold 60386  
and dispensed through a metered pump at the retail dealer's retail 60387  
service station during any part of calendar year 2007 or 2008 60388  
included in that taxable year. The credit for a dealer's taxable 60389  
year ending in 2009 shall equal fifteen cents per gallon of 60390  
alternative fuel sold and dispensed through a metered pump at the 60391  
retail dealer's retail service station during any part of calendar 60392  
year 2008 included in that taxable year, plus thirteen cents per 60393  
gallon of alternative fuel sold and dispensed in that manner 60394  
during any part of calendar year 2009 included in that taxable 60395  
year. 60396

The credit shall be calculated separately for each retail 60397  
service station owned or operated by the retail dealer. The credit 60398  
allowed under this section may not be claimed for alternative fuel 60399  
sold or dispensed before January 1, 2008, or on or after January 60400  
1, 2010. 60401

(C) The retail dealer shall claim the credit under this 60402

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;	60433
(8) The low-income credit under section 5747.056 of the Revised Code;	60434 60435
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	60436 60437
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	60438 60439
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	60440 60441
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	60442 60443
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	60444 60445
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	60446 60447
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	60448 60449
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	60450 60451
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	60452 60453
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	60454 60455
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	60456 60457
(20) The credit <del>for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261</del> <u>for selling alternative fuel under section 5747.77</u> of the Revised Code;	60458 60459 60460 60461

(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;	60462 60463 60464
(22) The job training credit under section 5747.39 of the Revised Code;	60465 60466
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	60467 60468
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	60469 60470
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	60471 60472
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	60473 60474
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	60475 60476
(28) The export sales credit under section 5747.057 of the Revised Code;	60477 60478
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	60479 60480
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	60481 60482
(31) The research and development credit under section 5747.331 of the Revised Code;	60483 60484
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	60485 60486
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	60487 60488
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	60489 60490

(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; 60491  
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(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code; 60494  
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(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. 60496  
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(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. 60499  
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**Sec. 5748.01.** As used in this chapter: 60509

(A) "School district income tax" means an income tax adopted under one of the following: 60510  
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(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; 60512  
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(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly; 60515  
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(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly; 60517  
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(4) Section 5748.021 of the Revised Code; 60519

(5) Section 5748.081 of the Revised Code.	60520
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	60521 60522
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	60523 60524
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	60525 60526
(E) "Taxable income" means:	60527
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	60528 60529
(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;	60530 60531 60532 60533
(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.	60534 60535 60536 60537 60538 60539
(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.	60540 60541 60542
(F) "Resident" of the school district means:	60543
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;	60544 60545 60546 60547 60548 60549



(2) An estate of a decedent who, at the time of death, was domiciled in the school district. 60550  
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(G) "School district income" means: 60552

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district. 60553  
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(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district. 60559  
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(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed. 60562  
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(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 60565  
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**Sec. 5748.02.** (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than eighty-five days prior to the date of the election at which the board intends to propose a levy under 60569  
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this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 60612  
submitted, and the date of the election at which the proposal 60613  
shall be submitted to the electors of the district, which shall be 60614  
on the date of a primary, general, or special election the date of 60615  
which is consistent with section 3501.01 of the Revised Code. The 60616  
resolution shall specify whether the income that is to be subject 60617  
to the tax is taxable income of individuals and estates as defined 60618  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 60619  
Code or taxable income of individuals as defined in division 60620  
(E)(1)(b) of that section. The specification shall be the same as 60621  
the specification in the resolution adopted and certified under 60622  
division (A) of this section. ~~If~~ 60623

If the tax is to be levied for current expenses and permanent 60624  
improvements, the resolution shall apportion the annual rate of 60625  
the tax. The apportionment may be the same or different for each 60626  
year the tax is levied, but the respective portions of the rate 60627  
actually levied each year for current expenses and for permanent 60628  
improvements shall be limited by the apportionment. 60629

If the board of education currently imposes an income tax 60630  
pursuant to this chapter that is due to expire and a question is 60631  
submitted under this section for a proposed income tax to take 60632  
effect upon the expiration of the existing tax, the board may 60633  
specify in the resolution that the proposed tax renews the 60634  
expiring tax and is not an additional income tax, provided that 60635  
the tax rate being proposed is no higher than the tax rate that is 60636  
currently imposed. 60637

(2) A board of education adopting a resolution under division 60638  
(B)(1) of this section proposing a school district income tax for 60639  
a continuing period of time and limited to the purpose of current 60640  
expenses may propose in that resolution to reduce the rate or 60641  
rates of one or more of the school district's property taxes 60642  
levied for a continuing period of time in excess of the ten-mill 60643

limitation for the purpose of current expenses. The reduction in 60644  
the rate of a property tax may be any amount, expressed in mills 60645  
per one dollar in valuation, not exceeding the rate at which the 60646  
tax is authorized to be levied. The reduction in the rate of a tax 60647  
shall first take effect for the tax year that includes the day on 60648  
which the school district income tax first takes effect, and shall 60649  
continue for each tax year that both the school district income 60650  
tax and the property tax levy are in effect. 60651

In addition to the matters required to be set forth in the 60652  
resolution under division (B)(1) of this section, a resolution 60653  
containing a proposal to reduce the rate of one or more property 60654  
taxes shall state for each such tax the maximum rate at which it 60655  
currently may be levied and the maximum rate at which the tax 60656  
could be levied after the proposed reduction, expressed in mills 60657  
per one dollar in valuation, and that the tax is levied for a 60658  
continuing period of time. 60659

If a board of education proposes to reduce the rate of one or 60660  
more property taxes under division (B)(2) of this section, the 60661  
board, when it makes the certification required under division (A) 60662  
of this section, shall designate the specific levy or levies to be 60663  
reduced, the maximum rate at which each levy currently is 60664  
authorized to be levied, and the rate by which each levy is 60665  
proposed to be reduced. The tax commissioner, when making the 60666  
certification to the board under division (A) of this section, 60667  
also shall certify the reduction in the total effective tax rate 60668  
for current expenses for each class of property that would have 60669  
resulted if the proposed reduction in the rate or rates had been 60670  
in effect the previous tax year. As used in this paragraph, 60671  
"effective tax rate" has the same meaning as in section 323.08 of 60672  
the Revised Code. 60673

(C) A resolution adopted under division (B) of this section 60674  
shall go into immediate effect upon its passage, and no 60675

publication of the resolution shall be necessary other than that 60676  
provided for in the notice of election. Immediately after its 60677  
adoption and at least seventy-five days prior to the election at 60678  
which the question will appear on the ballot, a copy of the 60679  
resolution shall be certified to the board of elections of the 60680  
proper county, which shall submit the proposal to the electors on 60681  
the date specified in the resolution. The form of the ballot shall 60682  
be as provided in section 5748.03 of the Revised Code. Publication 60683  
of notice of the election shall be made in one or more newspapers 60684  
of general circulation in the county once a week for two 60685  
consecutive weeks prior to the election, and, if the board of 60686  
elections operates and maintains a web site, the board of 60687  
elections shall post notice of the election on its web site for 60688  
thirty days prior to the election. The notice shall contain the 60689  
time and place of the election and the question to be submitted to 60690  
the electors. The question covered by the resolution shall be 60691  
submitted as a separate proposition, but may be printed on the 60692  
same ballot with any other proposition submitted at the same 60693  
election, other than the election of officers. 60694

(D) ~~No board of education shall submit~~ The submission to the 60695  
electors of the school district of the question of a tax on school 60696  
~~district income to the electors of the district more than twice in~~ 60697  
under this section is subject to the limitation under section 60698  
5705.214 of the Revised Code on the number of elections that may 60699  
be held during any calendar year. ~~If a board submits the question~~ 60700  
~~twice in any calendar year, one of the elections on the question~~ 60701  
~~shall be held on the date of the general election.~~ 60702

(E)(1) No board of education may submit to the electors of 60703  
the district the question of a tax on school district income on 60704  
the taxable income of individuals as defined in division (E)(1)(b) 60705  
of section 5748.01 of the Revised Code if that tax would be in 60706  
addition to an existing tax on the taxable income of individuals 60707

and estates as defined in divisions (E)(1)(a) and (2) of that section. 60708  
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(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section. 60710  
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**Sec. 5748.021.** A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax. 60716  
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The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board. 60728  
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Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, 60737  
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to replace the existing tax on the school district income of 60739  
individuals and estates as defined in divisions (G) and (E)(1)(a) 60740  
and (2) of section 5748.01 of the Revised Code with the levy of an 60741  
annual tax on the school district income of individuals as defined 60742  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 60743  
Revised Code. In the resolution, the board shall specify the rate 60744  
of the replacement tax, whether the replacement tax is to be 60745  
levied for a specified number of years or for a continuing time, 60746  
the specific school district purposes for which the replacement 60747  
tax is to be levied, the date on which the replacement tax will 60748  
begin to be levied, the date of the election at which the question 60749  
of the replacement is to be submitted to the electors of the 60750  
school district, that the existing tax will cease to be levied and 60751  
the replacement tax will begin to be levied if the replacement is 60752  
approved by a majority of the electors voting on the replacement, 60753  
and that if the replacement is not approved by a majority of the 60754  
electors voting on the replacement the existing tax will remain in 60755  
effect under its original authority for the remainder of its 60756  
previously approved term. The resolution goes into immediate 60757  
effect upon its adoption. Publication of the resolution is not 60758  
necessary, and the information that will be provided in the notice 60759  
of election is sufficient notice. At least seventy-five days 60760  
before the date of the election at which the question of the 60761  
replacement will be submitted to the electors of the school 60762  
district, the board shall certify a copy of the resolution to the 60763  
board of elections. 60764

The replacement tax shall have the same specific school 60765  
district purposes as the existing tax, and its rate shall be the 60766  
same as the tax commissioner's estimate rounded to the nearest 60767  
one-fourth of one per cent. The replacement tax shall begin to be 60768  
levied on the first day of January of the year following the year 60769  
in which the question of the replacement is submitted to and 60770  
approved by the electors of the school district or on the first 60771

day of January of a later year, as specified in the resolution. 60772  
The date of the election shall be the date of an otherwise 60773  
scheduled primary, general, or special election. 60774

The board of elections shall make arrangements to submit the 60775  
question of the replacement to the electors of the school district 60776  
on the date specified in the resolution. The board of elections 60777  
shall publish notice of the election on the question of the 60778  
replacement in one or more newspapers of general circulation in 60779  
the school district once a week for four consecutive weeks. The 60780  
notice shall set forth the question to be submitted to the 60781  
electors and the time and place of the election thereon. 60782

The question shall be submitted to the electors of the school 60783  
district as a separate proposition, but may be printed on the same 60784  
ballot with other propositions that are submitted at the same 60785  
election, other than the election of officers. The form of the 60786  
ballot shall be substantially as follows: 60787

"Shall the existing tax of ..... (state the rate) on the 60788  
school district income of individuals and estates imposed by ..... 60789  
(state the name of the school district) be replaced by a tax of 60790  
..... (state the rate) on the earned income of individuals 60791  
residing in the school district for ..... (state the number of 60792  
years the tax is to be in effect or that it will be in effect for 60793  
a continuing time), beginning ..... (state the date the new tax 60794  
will take effect), for the purpose of ..... (state the specific 60795  
school district purposes of the tax)? If the new tax is not 60796  
approved, the existing tax will remain in effect under its 60797  
original authority, for the remainder of its previously approved 60798  
term. 60799

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

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The board of elections shall conduct and canvass the election 60802  
in the same manner as regular elections in the school district for 60803  
the election of county officers. The board shall certify the 60804  
results of the election to the board of education and to the tax 60805  
commissioner. If a majority of the electors voting on the question 60806  
vote in favor of the replacement, the existing tax shall cease to 60807  
be levied, and the replacement tax shall begin to be levied, on 60808  
the date specified in the ballot question. If a majority of the 60809  
electors voting on the question vote against the replacement, the 60810  
existing tax shall continue to be levied under its original 60811  
authority, for the remainder of its previously approved term. 60812

~~A board of education may not submit~~ The submission to the 60813  
electors of the school district of the question of replacing a tax 60814  
~~more than twice in a~~ under this section is subject to the 60815  
limitation under section 5705.214 of the Revised Code on the 60816  
number of elections that may be held during any calendar year. ~~If~~ 60817  
~~a board submits the question more than once, one of the elections~~ 60818  
~~at which the question is submitted shall be on the date of a~~ 60819  
~~general election.~~ 60820

If a board of education later intends to renew a replacement 60821  
tax levied under this section, it shall repeat the procedure 60822  
outlined in this section to do so, the replacement tax then being 60823  
levied being the "existing tax" and the renewed replacement tax 60824  
being the "replacement tax." 60825

Sec. 5748.022. A majority of the members of a board of 60826  
education of a school district levying a tax under section 5748.02 60827  
of the Revised Code may adopt a resolution reducing the rate of 60828  
the tax by a multiple of one-fourth of one per cent. 60829

The resolution shall set forth the current rate of the tax, 60830  
the reduced rate of tax that results from adoption of the 60831  
resolution, the purpose or purposes for which the tax is levied, 60832

the remaining number of years the tax will be levied or that it is 60833  
levied for a continuing period of time, and the date on which the 60834  
reduced tax rate shall take effect, which shall be the ensuing 60835  
first day of January occurring at least sixty days after a copy of 60836  
the resolution is certified to the tax commissioner. 60837

**Sec. 5749.02.** (A) For the purpose of providing revenue to 60838  
administer the state's coal mining and reclamation regulatory 60839  
program, to meet the environmental and resource management needs 60840  
of this state, and to reclaim land affected by mining, an excise 60841  
tax is hereby levied on the privilege of engaging in the severance 60842  
of natural resources from the soil or water of this state. The tax 60843  
shall be imposed upon the severer and shall be: 60844

(1) Ten cents per ton of coal; 60845

(2) Four cents per ton of salt; 60846

(3) Two cents per ton of limestone or dolomite; 60847

(4) Two cents per ton of sand and gravel; 60848

(5) Ten cents per barrel of oil; 60849

(6) Two and one-half cents per thousand cubic feet of natural 60850  
gas; 60851

(7) One cent per ton of clay, sandstone or conglomerate, 60852  
shale, gypsum, or quartzite; 60853

(8) Except as otherwise provided in this division or in rules 60854  
adopted by the reclamation forfeiture fund advisory board under 60855  
section 1513.182 of the Revised Code, an additional fourteen cents 60856  
per ton of coal produced from an area under a coal mining and 60857  
reclamation permit issued under Chapter 1513. of the Revised Code 60858  
for which the performance security is provided under division 60859  
(C)(2) of section 1513.08 of the Revised Code. If Beginning July 60860  
1, 2007, if at the end of a fiscal biennium the balance of the 60861  
reclamation forfeiture fund created in section 1513.18 of the 60862

Revised Code is equal to or greater than ten million dollars, the 60863  
rate levied shall be twelve cents per ton. ~~If~~ Beginning July 1, 60864  
2007, if at the end of a fiscal biennium the balance of the fund 60865  
is at least five million dollars, but less than ten million 60866  
dollars, the rate levied shall be fourteen cents per ton. ~~If~~ 60867  
Beginning July 1, 2007, if at the end of a fiscal biennium the 60868  
balance of the fund is less than five million dollars, the rate 60869  
levied shall be sixteen cents per ton. ~~Not~~ Beginning July 1, 2009, 60870  
not later than thirty days after the close of a fiscal biennium, 60871  
the chief of the division of mineral resources management shall 60872  
certify to the tax commissioner the amount of the balance of the 60873  
reclamation forfeiture fund as of the close of the fiscal 60874  
biennium. Any necessary adjustment of the rate levied shall take 60875  
effect on the first day of the following January and shall remain 60876  
in effect during the calendar biennium that begins on that date. 60877

(9) An additional one and two-tenths cents per ton of coal 60878  
mined by surface mining methods. 60879

(B) Of the moneys received by the treasurer of state from the 60880  
tax levied in division (A)(1) of this section, four and 60881  
seventy-six-hundredths per cent shall be credited to the 60882  
geological mapping fund created in section 1505.09 of the Revised 60883  
Code, eighty and ninety-five-hundredths per cent shall be credited 60884  
to the coal mining administration and reclamation reserve fund 60885  
created in section 1513.181 of the Revised Code, and fourteen and 60886  
twenty-nine-hundredths per cent shall be credited to the 60887  
unreclaimed lands fund created in section 1513.30 of the Revised 60888  
Code. 60889

Fifteen per cent of the moneys received by the treasurer of 60890  
state from the tax levied in division (A)(2) of this section shall 60891  
be credited to the geological mapping fund and the remainder shall 60892  
be credited to the unreclaimed lands fund. 60893

Of the moneys received by the treasurer of state from the tax 60894

levied in divisions (A)(3) and (4) of this section, seven and 60895  
five-tenths per cent shall be credited to the geological mapping 60896  
fund, forty-two and five-tenths per cent shall be credited to the 60897  
unreclaimed lands fund, and the remainder shall be credited to the 60898  
surface mining fund created in section 1514.06 of the Revised 60899  
Code. 60900

Of the moneys received by the treasurer of state from the tax 60901  
levied in divisions (A)(5) and (6) of this section, ninety per 60902  
cent shall be credited to the oil and gas well fund created in 60903  
section 1509.02 of the Revised Code and ten per cent shall be 60904  
credited to the geological mapping fund. All of the moneys 60905  
received by the treasurer of state from the tax levied in division 60906  
(A)(7) of this section shall be credited to the surface mining 60907  
fund. 60908

All of the moneys received by the treasurer of state from the 60909  
tax levied in division (A)(8) of this section shall be credited to 60910  
the reclamation forfeiture fund. 60911

All of the moneys received by the treasurer of state from the 60912  
tax levied in division (A)(9) of this section shall be credited to 60913  
the unreclaimed lands fund. 60914

(C) When, at the close of any fiscal year, the chief finds 60915  
that the balance of the reclamation forfeiture fund, plus 60916  
estimated transfers to it from the coal mining administration and 60917  
reclamation reserve fund under section 1513.181 of the Revised 60918  
Code, plus the estimated revenues from the tax levied by division 60919  
(A)(8) of this section for the remainder of the calendar year that 60920  
includes the close of the fiscal year, are sufficient to complete 60921  
the reclamation of lands for which the performance security has 60922  
been provided under division (C)(2) of section 1513.08 of the 60923  
Revised Code, the purposes for which the tax under division (A)(8) 60924  
of this section is levied shall be deemed accomplished at the end 60925  
of that calendar year. The chief, within thirty days after the 60926

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 division (A) of section 3317.022 of the Revised Code, including the amounts calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (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. 60958  
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(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. 60960  
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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. 60967  
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~~(3)~~(5) "Machinery and equipment property tax value loss" 60970  
means the amount determined under division (C)(1) of this section. 60971

~~(4)~~(6) "Inventory property tax value loss" means the amount 60972  
determined under division (C)(2) of this section. 60973

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 60974  
the amount determined under division (C)(3) of this section. 60975

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 60976  
the amount determined under division (D)(1) of this section. 60977

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 60978  
determined under division (D)(2) of this section. 60979

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 60980  
the amount determined under division (D)(3) of this section. 60981

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 60982  
machinery and equipment fixed-rate levy loss, the inventory 60983  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 60984  
loss, and the telephone company fixed-rate levy loss. 60985

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 60986  
under division (E) of this section. 60987

~~(11)~~(13) "Machinery and equipment" means personal property 60988  
subject to the assessment rate specified in division (F) of 60989  
section 5711.22 of the Revised Code. 60990

~~(12)~~(14) "Inventory" means personal property subject to the 60991  
assessment rate specified in division (E) of section 5711.22 of 60992  
the Revised Code. 60993

~~(13)~~(15) "Furniture and fixtures" means personal property 60994  
subject to the assessment rate specified in division (G) of 60995  
section 5711.22 of the Revised Code. 60996

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 60997  
year 2004 or applicable to tax year 2005 or approved at an 60998  
election conducted before September 1, 2005. For the purpose of 60999  
determining the rate of a qualifying levy authorized by section 61000  
5705.212 or 5705.213 of the Revised Code, the rate shall be the 61001  
rate that would be in effect for tax year 2010. 61002

~~(15)~~(17) "Telephone property" means tangible personal 61003  
property of a telephone, telegraph, or interexchange 61004  
telecommunications company subject to an assessment rate specified 61005  
in section 5727.111 of the Revised Code in tax year 2004. 61006

~~(16)~~(18) "Telephone property tax value loss" means the amount 61007  
determined under division (C)(4) of this section. 61008

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 61009  
amount determined under division (D)(4) of this section. 61010

(B) The commercial activities tax receipts fund is hereby 61011  
created in the state treasury and shall consist of money arising 61012  
from the tax imposed under this chapter. All money in that fund 61013  
shall be credited for each fiscal year in the following 61014  
percentages to the general revenue fund, to the school district 61015  
tangible property tax replacement fund, which is hereby created in 61016  
the state treasury for the purpose of making the payments 61017  
described in section 5751.21 of the Revised Code, and to the local 61018

government tangible property tax replacement fund, which is hereby 61019  
created in the state treasury for the purpose of making the 61020  
payments described in section 5751.22 of the Revised Code, in the 61021  
following percentages: 61022

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	61024
2007	0%	70.0%	30.0%	61025
2008	0%	70.0%	30.0%	61026
2009	0%	70.0%	30.0%	61027
2010	0%	70.0%	30.0%	61028
2011	0%	70.0%	30.0%	61029
2012	5.3%	70.0%	24.7%	61030
2013	<del>19.4</del> <u>10.6%</u>	70.0%	<del>10.6</del> <u>19.4%</u>	61031
2014	14.1%	70.0%	15.9%	61032
2015	17.6%	70.0%	12.4%	61033
2016	21.1%	70.0%	8.9%	61034
2017	24.6%	70.0%	5.4%	61035
2018	28.1%	70.0%	1.9%	61036
2019 and thereafter	<del>100%</del> <u>30%</u>	<del>0%</del> <u>70%</u>	0%	61037

(C) Not later than September 15, 2005, the tax commissioner 61038  
shall determine for each school district, joint vocational school 61039  
district, and local taxing unit its machinery and equipment, 61040  
inventory property, furniture and fixtures property, and telephone 61041  
property tax value losses, which are the applicable amounts 61042  
described in divisions (C)(1), (2), (3), and (4) of this section, 61043  
except as provided in division (C)(5) of this section: 61044

(1) Machinery and equipment property tax value loss is the 61045  
taxable value of machinery and equipment property as reported by 61046



taxpayers for tax year 2004 multiplied by:	61047
(a) For tax year 2006, thirty-three and eight-tenths per cent;	61048
(b) For tax year 2007, sixty-one and three-tenths per cent;	61050
(c) For tax year 2008, eighty-three per cent;	61051
(d) For tax year 2009 and thereafter, one hundred per cent.	61052
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	61053
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	61056
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	61059
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	61061
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	61064
(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:	61067
(a) For tax year 2006, twenty-five per cent;	61070
(b) For tax year 2007, fifty per cent;	61071
(c) For tax year 2008, seventy-five per cent;	61072
(d) For tax year 2009 and thereafter, one hundred per cent.	61073
The taxable value of property reported by taxpayers used in	61074

divisions (C)(1), (2), and (3) of this section shall be such 61075  
values as determined to be final by the tax commissioner as of 61076  
August 31, 2005. Such determinations shall be final except for any 61077  
correction of a clerical error that was made prior to August 31, 61078  
2005, by the tax commissioner. 61079

(4) Telephone property tax value loss is the taxable value of 61080  
telephone property as taxpayers would have reported that property 61081  
for tax year 2004 if the assessment rate for all telephone 61082  
property for that year were twenty-five per cent, multiplied by: 61083

(a) For tax year 2006, zero per cent; 61084

(b) For tax year 2007, zero per cent; 61085

(c) For tax year 2008, zero per cent; 61086

(d) For tax year 2009, sixty per cent; 61087

(e) For tax year 2010, eighty per cent; 61088

(f) For tax year 2011 and thereafter, one hundred per cent. 61089

(5) Division (C)(5) of this section applies to any school 61090  
district, joint vocational school district, or local taxing unit 61091  
in a county in which is located a facility currently or formerly 61092  
devoted to the enrichment or commercialization of uranium or 61093  
uranium products, and for which the total taxable value of 61094  
property listed on the general tax list of personal property for 61095  
any tax year from tax year 2001 to tax year 2004 was fifty per 61096  
cent or less of the taxable value of such property listed on the 61097  
general tax list of personal property for the next preceding tax 61098  
year. 61099

In computing the fixed-rate levy losses under divisions 61100  
(D)(1), (2), and (3) of this section for any school district, 61101  
joint vocational school district, or local taxing unit to which 61102  
division (C)(5) of this section applies, the taxable value of such 61103  
property as listed on the general tax list of personal property 61104

for tax year 2000 shall be substituted for the taxable value of 61105  
such property as reported by taxpayers for tax year 2004, in the 61106  
taxing district containing the uranium facility, if the taxable 61107  
value listed for tax year 2000 is greater than the taxable value 61108  
reported by taxpayers for tax year 2004. For the purpose of making 61109  
the computations under divisions (D)(1), (2), and (3) of this 61110  
section, the tax year 2000 valuation is to be allocated to 61111  
machinery and equipment, inventory, and furniture and fixtures 61112  
property in the same proportions as the tax year 2004 values. For 61113  
the purpose of the calculations in division (A) of section 5751.21 61114  
of the Revised Code, the tax year 2004 taxable values shall be 61115  
used. 61116

To facilitate the calculations required under division (C) of 61117  
this section, the county auditor, upon request from the tax 61118  
commissioner, shall provide by August 1, 2005, the values of 61119  
machinery and equipment, inventory, and furniture and fixtures for 61120  
all single-county personal property taxpayers for tax year 2004. 61121

(D) Not later than September 15, 2005, the tax commissioner 61122  
shall determine for each tax year from 2006 through 2009 for each 61123  
school district, joint vocational school district, and local 61124  
taxing unit its machinery and equipment, inventory, and furniture 61125  
and fixtures fixed-rate levy losses, and for each tax year from 61126  
2006 through 2011 its telephone property fixed-rate levy loss, 61127  
which are the applicable amounts described in divisions (D)(1), 61128  
(2), (3), and (4) of this section: 61129

(1) The machinery and equipment fixed-rate levy loss is the 61130  
machinery and equipment property tax value loss multiplied by the 61131  
sum of the tax rates of fixed-rate qualifying levies. 61132

(2) The inventory fixed-rate loss is the inventory property 61133  
tax value loss multiplied by the sum of the tax rates of 61134  
fixed-rate qualifying levies. 61135

(3) The furniture and fixtures fixed-rate levy loss is the 61136  
furniture and fixture property tax value loss multiplied by the 61137  
sum of the tax rates of fixed-rate qualifying levies. 61138

(4) The telephone property fixed-rate levy loss is the 61139  
telephone property tax value loss multiplied by the sum of the tax 61140  
rates of fixed-rate qualifying levies. 61141

(E) Not later than September 15, 2005, the tax commissioner 61142  
shall determine for each school district, joint vocational school 61143  
district, and local taxing unit its fixed-sum levy loss. The 61144  
fixed-sum levy loss is the amount obtained by subtracting the 61145  
amount described in division (E)(2) of this section from the 61146  
amount described in division (E)(1) of this section: 61147

(1) The sum of the machinery and equipment property tax value 61148  
loss, the inventory property tax value loss, and the furniture and 61149  
fixtures property tax value loss, and, for 2008 through 2017 the 61150  
telephone property tax value loss of the district or unit 61151  
multiplied by the sum of the fixed-sum tax rates of qualifying 61152  
levies. For 2006 through 2010, this computation shall include all 61153  
qualifying levies remaining in effect for the current tax year and 61154  
any school district emergency levies that are qualifying levies 61155  
not remaining in effect for the current year. For 2011 through 61156  
2017 in the case of school district emergency levies and for all 61157  
years after 2010 in the case of other fixed-sum levies, this 61158  
computation shall include only qualifying levies remaining in 61159  
effect for the current year. For purposes of this computation, a 61160  
qualifying school district emergency levy remains in effect in a 61161  
year after 2010 only if, for that year, the board of education 61162  
levies a school district emergency levy for an annual sum at least 61163  
equal to the annual sum levied by the board in tax year 2004 less 61164  
the amount of the payment certified under this division for 2006. 61165

(2) The total taxable value in tax year 2004 less the sum of 61166  
the machinery and equipment, inventory, furniture and fixtures, 61167

and telephone property tax value losses in each school district, 61168  
joint vocational school district, and local taxing unit multiplied 61169  
by one-half of one mill per dollar. 61170

(3) For the calculations in divisions (E)(1) and (2) of this 61171  
section, the tax value losses are those that would be calculated 61172  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 61173  
section and for tax year 2011 under division (C)(4) of this 61174  
section. 61175

(4) To facilitate the calculation under divisions (D) and (E) 61176  
of this section, not later than September 1, 2005, any school 61177  
district, joint vocational school district, or local taxing unit 61178  
that has a qualifying levy that was approved at an election 61179  
conducted during 2005 before September 1, 2005, shall certify to 61180  
the tax commissioner a copy of the county auditor's certificate of 61181  
estimated property tax millage for such levy as required under 61182  
division (B) of section 5705.03 of the Revised Code, which is the 61183  
rate that shall be used in the calculations under such divisions. 61184

If the amount determined under division (E) of this section 61185  
for any school district, joint vocational school district, or 61186  
local taxing unit is greater than zero, that amount shall equal 61187  
the reimbursement to be paid pursuant to division (D) of section 61188  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 61189  
and the one-half of one mill that is subtracted under division 61190  
(E)(2) of this section shall be apportioned among all contributing 61191  
fixed-sum levies in the proportion that each levy bears to the sum 61192  
of all fixed-sum levies within each school district, joint 61193  
vocational school district, or local taxing unit. 61194

(F) Not later than October 1, 2005, the tax commissioner 61195  
shall certify to the department of education for every school 61196  
district and joint vocational school district the machinery and 61197  
equipment, inventory, furniture and fixtures, and telephone 61198  
property tax value losses determined under division (C) of this 61199

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 under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(G) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

**Sec. 5751.21.** (A) Not later than the ~~thirty-first~~ fifteenth day of July of 2007 through 2017, the department of education shall consult with the director of budget and management and determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section:

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the ~~thirty-first~~ fifteenth day of July;

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the ~~thirty-first~~ fifteenth day of July if the recognized valuation included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year.

(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under division (F) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year.

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, the department of education and the director of budget and management shall ~~certify~~ agree upon the amount ~~to be~~ determined under division (A)(1) of this section ~~to the director of budget and management~~.

(B) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under division (F) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total

fixed-rate levy loss for tax year 2006. 61262

(5) On or before May 31, 2008, fourteen per cent of the 61263  
amount determined under division (A)(2) of this section for fiscal 61264  
year 2008, but not less than zero, plus one-seventh of the 61265  
difference between the total fixed-rate levy loss for tax year 61266  
2008 and the total fixed-rate levy loss for tax year 2006. 61267

(6) On or before August 31, 2008, and October 31, 2008, 61268  
forty-three per cent of the amount determined under division 61269  
(A)(2) of this section for fiscal year 2009, but not less than 61270  
zero, plus one-half of six-sevenths of the difference between the 61271  
total fixed-rate levy loss in tax year 2008 and the total 61272  
fixed-rate levy loss in tax year 2007. 61273

(7) On or before May 31, 2009, fourteen per cent of the 61274  
amount determined under division (A)(2) of this section for fiscal 61275  
year 2009, but not less than zero, plus one-seventh of the 61276  
difference between the total fixed-rate levy loss for tax year 61277  
2009 and the total fixed-rate levy loss for tax year 2007. 61278

(8) On or before August 31, 2009, and October 31, 2009, 61279  
forty-three per cent of the amount determined under division 61280  
(A)(2) of this section for fiscal year 2010, but not less than 61281  
zero, plus one-half of six-sevenths of the difference between the 61282  
total fixed-rate levy loss in tax year 2009 and the total 61283  
fixed-rate levy loss in tax year 2008. 61284

(9) On or before May 31, 2010, fourteen per cent of the 61285  
amount determined under division (A)(2) of this section for fiscal 61286  
year 2010, but not less than zero, plus one-seventh of the 61287  
difference between the total fixed-rate levy loss in tax year 2010 61288  
and the total fixed-rate levy loss in tax year 2008. 61289

(10) On or before August 31, 2010, and October 31, 2010, 61290  
~~one-third~~ forty-three per cent of the amount determined under 61291  
division (A)(2) of this section for fiscal year 2011, but not less 61292



than zero, plus one-half of six-sevenths of the difference between 61293  
the telephone property fixed-rate levy loss for tax year 2010 and 61294  
the telephone property fixed-rate levy loss for tax year 2009. 61295

(11) On or before May 31, 2011, fourteen per cent of the 61296  
amount determined under division (A)(2) of this section for fiscal 61297  
year 2011, but not less than zero, plus one-seventh of the 61298  
difference between the telephone property fixed-rate levy loss for 61299  
tax year 2011 and the telephone property fixed-rate levy loss for 61300  
tax year 2009. 61301

(12) On or before August 31, 2011, and October 31, 2011, ~~and~~ 61302  
~~May 31, 2012,~~ the amount determined under division (A)(2) of this 61303  
section multiplied by a fraction, the numerator of which is 61304  
fourteen and the denominator of which is seventeen, but not less 61305  
than zero, multiplied by ~~one-third~~ forty-three per cent, plus 61306  
one-half of six-sevenths of the difference between the telephone 61307  
property fixed-rate levy loss for tax year 2011 and the telephone 61308  
property fixed-rate levy loss for tax year 2010. 61309

(13) On or before May 31, 2012, fourteen per cent of the 61310  
amount determined under division (A)(2) of this section for fiscal 61311  
year 2012, multiplied by a fraction, the numerator of which is 61312  
fourteen and the denominator of which is seventeen, plus 61313  
one-seventh of the difference between the telephone property 61314  
fixed-rate levy loss for tax year 2011 and the telephone property 61315  
fixed-rate levy loss for tax year 2010. 61316

(14) On or before August 31, 2012, October 31, 2012, and May 61317  
31, 2013, the amount determined under division (A)(2) of this 61318  
section multiplied by a fraction, the numerator of which is eleven 61319  
and the denominator of which is seventeen, but not less than zero, 61320  
multiplied by one-third. 61321

(15) On or before August 31, 2013, October 31, 2013, and May 61322  
31, 2014, the amount determined under division (A)(2) of this 61323

section multiplied by a fraction, the numerator of which is nine 61324  
and the denominator of which is seventeen, but not less than zero, 61325  
multiplied by one-third. 61326

(16) On or before August 31, 2014, October 31, 2014, and May 61327  
31, 2015, the amount determined under division (A)(2) of this 61328  
section multiplied by a fraction, the numerator of which is seven 61329  
and the denominator of which is seventeen, but not less than zero, 61330  
multiplied by one-third. 61331

(17) On or before August 31, 2015, October 31, 2015, and May 61332  
31, 2016, the amount determined under division (A)(2) of this 61333  
section multiplied by a fraction, the numerator of which is five 61334  
and the denominator of which is seventeen, but not less than zero, 61335  
multiplied by one-third. 61336

(18) On or before August 31, 2016, October 31, 2016, and May 61337  
31, 2017, the amount determined under division (A)(2) of this 61338  
section multiplied by a fraction, the numerator of which is three 61339  
and the denominator of which is seventeen, but not less than zero, 61340  
multiplied by one-third. 61341

(19) On or before August 31, 2017, October 31, 2017, and May 61342  
31, 2018, the amount determined under division (A)(2) of this 61343  
section multiplied by a fraction, the numerator of which is one 61344  
and the denominator of which is seventeen, but not less than zero, 61345  
multiplied by one-third. 61346

~~(20) After May 31, 2018, no payments shall be made under this 61347  
section. 61348~~

The department of education shall report to each school 61349  
district and joint vocational school district the apportionment of 61350  
the payments among the school district's or joint vocational 61351  
school district's funds based on the certifications under division 61352  
(F) of section 5751.20 of the Revised Code. 61353

Any qualifying levy that is a fixed-rate levy that is not 61354

applicable to a tax year after 2010 does not qualify for any 61355  
reimbursement after the tax year to which it is last applicable. 61356

(C) For taxes levied within the ten-mill limitation for debt 61357  
purposes in tax year 2005, payments shall be made equal to one 61358  
hundred per cent of the loss computed as if the tax were a 61359  
fixed-rate levy, but those payments shall extend from fiscal year 61360  
2006 through fiscal year 2018, as long as the qualifying levy 61361  
continues to be used for debt purposes. If the purpose of such a 61362  
qualifying levy is changed, that levy becomes subject to the 61363  
payments determined in division (B) of this section. 61364

(D)(1) Not later than January 1, 2006, for each fixed-sum 61365  
levy of each school district or joint vocational school district 61366  
and for each year for which a determination is made under division 61367  
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 61368  
loss is to be reimbursed, the tax commissioner shall certify to 61369  
the department of education the fixed-sum levy loss determined 61370  
under that division. The certification shall cover a time period 61371  
sufficient to include all fixed-sum levies for which the 61372  
commissioner made such a determination. The department shall pay 61373  
from the school district property tax replacement fund to the 61374  
school district or joint vocational school district one-third of 61375  
the fixed-sum levy loss so certified for each year on or before 61376  
the last day of May, August, and October of the current year. 61377

(2) Beginning in 2006, by the first day of January of each 61378  
year, the tax commissioner shall review the certification 61379  
originally made under division (D)(1) of this section. If the 61380  
commissioner determines that a debt levy that had been scheduled 61381  
to be reimbursed in the current year has expired, a revised 61382  
certification for that and all subsequent years shall be made to 61383  
the department of education. 61384

(E) Beginning in September 2007 and through June 2018, the 61385  
director of budget and management shall transfer from the school 61386

district tangible property tax replacement fund to the general 61387  
revenue fund each of the following: 61388

(1) On the first day of September, ~~the lesser of~~ one-fourth 61389  
of the amount ~~certified~~ determined for that fiscal year under 61390  
division (A)(1) of this section ~~or the balance in the school~~ 61391  
~~district tangible property tax replacement fund;~~ 61392

(2) On the first day of December, ~~the lesser of~~ one-fourth of 61393  
the amount ~~certified~~ determined for that fiscal year under 61394  
division (A)(1) of this section ~~or the balance in the school~~ 61395  
~~district tangible property tax replacement fund;~~ 61396

(3) On the first day of March, ~~the lesser of~~ one-fourth of 61397  
the amount ~~certified~~ determined for that fiscal year under 61398  
division (A)(1) of this section ~~or the balance in the school~~ 61399  
~~district tangible property tax replacement fund;~~ 61400

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 61401  
amount ~~certified~~ determined for that fiscal year under division 61402  
(A)(1) of this section ~~or the balance in the school district~~ 61403  
~~tangible property tax replacement fund.~~ 61404

If, when a transfer is required under division (E)(1), (2), 61405  
(3), or (4) of this section, there is not sufficient money in the 61406  
school district tangible property tax replacement fund to make the 61407  
transfer in the required amount, the director shall transfer the 61408  
balance in the fund to the general revenue fund and may make 61409  
additional transfers on later dates as determined by the director 61410  
in a total amount that does not exceed one-fourth of the amount 61411  
determined for the fiscal year. 61412

(F) For each of the fiscal years 2006 through 2018, if the 61413  
total amount in the school district tangible property tax 61414  
replacement fund is insufficient to make all payments under 61415  
divisions (B), (C), and (D) of this section at the times the 61416  
payments are to be made, the director of budget and management 61417

shall transfer from the general revenue fund to the school 61418  
district tangible property tax replacement fund the difference 61419  
between the total amount to be paid and the amount in the school 61420  
district tangible property tax replacement fund. For each fiscal 61421  
year after 2018, at the time payments under division (D) of this 61422  
section are to be made, the director of budget and management 61423  
shall transfer from the general revenue fund to the school 61424  
district property tax replacement fund the amount necessary to 61425  
make such payments. 61426

(G)(1) On the fifteenth day of June of 2006 through 2011, the 61427  
director of budget and management may transfer any balance in the 61428  
school district tangible property tax replacement fund to the 61429  
general revenue fund. At the end of fiscal years 2012 through 61430  
2018, any balance in the school district tangible property tax 61431  
replacement fund shall remain in the fund to be used in future 61432  
fiscal years for school purposes. 61433

(2) In each fiscal year beginning with fiscal year 2019, all 61434  
amounts credited to the school district tangible personal property 61435  
tax replacement fund shall be appropriated for school purposes. 61436

(H) If all of the territory of a school district or joint 61437  
vocational school district is merged with another district, or if 61438  
a part of the territory of a school district or joint vocational 61439  
school district is transferred to an existing or newly created 61440  
district, the department of education, in consultation with the 61441  
tax commissioner, shall adjust the payments made under this 61442  
section as follows: 61443

(1) For a merger of two or more districts, the machinery and 61444  
equipment, inventory, furniture and fixtures, and telephone 61445  
property fixed-rate levy losses and the fixed-sum levy losses of 61446  
the successor district shall be equal to the sum of the machinery 61447  
and equipment, inventory, furniture and fixtures, and telephone 61448  
property fixed-rate levy losses and debt levy losses as determined 61449

in section 5751.20 of the Revised Code, for each of the districts 61450  
involved in the merger. 61451

(2) If property is transferred from one district to a 61452  
previously existing district, the amount of machinery and 61453  
equipment, inventory, furniture and fixtures, and telephone 61454  
property tax value losses and fixed-rate levy losses that shall be 61455  
transferred to the recipient district shall be an amount equal to 61456  
the total machinery and equipment, inventory, furniture and 61457  
fixtures, and telephone property fixed-rate levy losses times a 61458  
fraction, the numerator of which is the value of business tangible 61459  
personal property on the land being transferred in the most recent 61460  
year for which data are available, and the denominator of which is 61461  
the total value of business tangible personal property in the 61462  
district from which the land is being transferred in the most 61463  
recent year for which data are available. For each of the first 61464  
five years after the property is transferred, but not after fiscal 61465  
year 2012, if the tax rate in the recipient district is less than 61466  
the tax rate of the district from which the land was transferred, 61467  
one-half of the payments arising from the amount of fixed-rate 61468  
levy losses so transferred to the recipient district shall be paid 61469  
to the recipient district and one-half of the payments arising 61470  
from the fixed-rate levy losses so transferred shall be paid to 61471  
the district from which the land was transferred. Fixed-rate levy 61472  
losses so transferred shall be computed on the basis of the sum of 61473  
the rates of fixed-rate qualifying levies of the district from 61474  
which the land was transferred, notwithstanding division (D) of 61475  
this section. 61476

(3) After December 31, 2004, if property is transferred from 61477  
one or more districts to a district that is newly created out of 61478  
the transferred property, the newly created district shall be 61479  
deemed not to have any machinery and equipment, inventory, 61480  
furniture and fixtures, or telephone property fixed-rate levy 61481

losses and the districts from which the property was transferred 61482  
shall have no reduction in their machinery and equipment, 61483  
inventory, furniture and fixtures, and telephone property 61484  
fixed-rate levy losses. 61485

(4) If the recipient district under division (H)(2) of this 61486  
section or the newly created district under divisions (H)(3) of 61487  
this section is assuming debt from one or more of the districts 61488  
from which the property was transferred and any of the districts 61489  
losing the property had fixed-sum levy losses, the department of 61490  
education, in consultation with the tax commissioner, shall make 61491  
an equitable division of the fixed-sum levy loss reimbursements. 61492

**Sec. 5751.23.** (A) As used in this section: 61493

(1) "Administrative fees" means the dollar percentages 61494  
allowed by the county auditor for services or by the county 61495  
treasurer as fees, or paid to the credit of the real estate 61496  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 61497  
and division (A) of section 321.26 of the Revised Code. 61498

(2) "Administrative fee loss" means a county's loss of 61499  
administrative fees due to its tax value loss, determined as 61500  
follows: 61501

(a) For purposes of the determination made under division (B) 61502  
of this section in the years 2006 through 2010, the administrative 61503  
fee loss shall be computed by multiplying the amounts determined 61504  
for all taxing districts in the county under divisions (D) and (E) 61505  
of section 5751.20 of the Revised Code by nine thousand six 61506  
hundred fifty-nine ten-thousandths of one per cent if total taxes 61507  
collected in the county in 2004 exceeded one hundred fifty million 61508  
dollars, or one and one thousand one hundred fifty-nine 61509  
ten-thousandths of one per cent if total taxes collected in the 61510  
county in 2004 were one hundred fifty million dollars or less; 61511

(b) For purposes of the determination under division (B) of this section in the years after 2010, the administrative fee losses shall be determined by multiplying the administrative fee losses calculated for 2010 by the fractions in divisions (A)(1)(b) to (i) of section 5751.22 of the Revised Code.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through 2017, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.



**Sec. 5907.15.** There is hereby created in the state treasury 61544  
the Ohio veterans' homes rental, and service, ~~and medicare~~ 61545  
~~reimbursement~~ fund. Revenue generated from temporary use 61546  
agreements of a veterans' home, from the sale of meals at a home's 61547  
dining halls, and from rental, lease, or sharing agreements for 61548  
the use of facilities, supplies, equipment, utilities, or services 61549  
provided by a home, ~~and from medicare reimbursements~~ shall be 61550  
credited to the fund. The fund shall be used only for maintenance 61551  
costs of the homes and for the purchase of medications, medication 61552  
services, medical supplies, and medical equipment by the homes. 61553

**Sec. 5907.16.** There is hereby created in the state treasury 61554  
the medicare services fund. Revenue from federal reimbursement of 61555  
medicare services that were provided at state veterans' homes 61556  
shall be credited to the fund. The fund shall be used for paying 61557  
the operating costs of the state veterans' homes. 61558

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 61559  
of this section, on and after January 1, 1994, no person shall 61560  
operate or maintain a public water system in this state without a 61561  
license issued by the director of environmental protection. A 61562  
person who operates or maintains a public water system on January 61563  
1, 1994, shall obtain an initial license under this section in 61564  
accordance with the following schedule: 61565

(1) If the public water system is a community water system, 61566  
not later than January 31, 1994; 61567

(2) If the public water system is not a community water 61568  
system and serves a nontransient population, not later than 61569  
January 31, 1994; 61570

(3) If the public water system is not a community water 61571  
system and serves a transient population, not later than January 61572  
31, 1995. 61573

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2008~~ 2010, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions 61606  
that the director determines are necessary to ensure compliance 61607  
with this chapter and rules adopted under it; 61608

(3) Deny the license renewal if the director finds that the 61609  
public water system was not operated in substantial compliance 61610  
with this chapter and rules adopted under it. 61611

(C) The director may suspend or revoke a license or license 61612  
renewal issued under this section if the director finds that the 61613  
public water system was not operated in substantial compliance 61614  
with this chapter and rules adopted under it. The director shall 61615  
adopt, and may amend and rescind, rules in accordance with Chapter 61616  
119. of the Revised Code governing such suspensions and 61617  
revocations. 61618

(D)(1) As used in division (D) of this section, "church" 61619  
means a fellowship of believers, congregation, society, 61620  
corporation, convention, or association that is formed primarily 61621  
or exclusively for religious purposes and that is not formed or 61622  
operated for the private profit of any person. 61623

(2) This section does not apply to a church that operates or 61624  
maintains a public water system solely to provide water for that 61625  
church or for a campground that is owned by the church and 61626  
operated primarily or exclusively for members of the church and 61627  
their families. A church that, on or before March 5, 1996, has 61628  
obtained a license under this section for such a public water 61629  
system need not obtain a license renewal under this section. 61630

(E) This section does not apply to any public or nonpublic 61631  
school that meets minimum standards of the state board of 61632  
education that operates or maintains a public water system solely 61633  
to provide water for that school. 61634

**Sec. 6111.0381.** There is hereby created in the state treasury 61635

the water quality protection fund. The fund shall consist of 61636  
federal grants, including grants made pursuant to the Federal 61637  
Water Pollution Control Act, and contributions made to the 61638  
environmental protection agency for water quality protection and 61639  
restoration. The director of environmental protection shall use 61640  
money in the fund for water quality protection and restoration. 61641

**Sec. 6111.04.** (A) Both of the following apply except as 61642  
otherwise provided in division (A) or (F) of this section: 61643

(1) No person shall cause pollution or place or cause to be 61644  
placed any sewage, sludge, sludge materials, industrial waste, or 61645  
other wastes in a location where they cause pollution of any 61646  
waters of the state. 61647

(2) Such an action prohibited under division (A)(1) of this 61648  
section is hereby declared to be a public nuisance. 61649

Divisions (A)(1) and (2) of this section do not apply if the 61650  
person causing pollution or placing or causing to be placed wastes 61651  
in a location in which they cause pollution of any waters of the 61652  
state holds a valid, unexpired permit, or renewal of a permit, 61653  
governing the causing or placement as provided in sections 6111.01 61654  
to 6111.08 of the Revised Code or if the person's application for 61655  
renewal of such a permit is pending. 61656

(B) If the director of environmental protection administers a 61657  
sludge management program pursuant to division (S) of section 61658  
6111.03 of the Revised Code, both of the following apply except as 61659  
otherwise provided in division (B) or (F) of this section: 61660

(1) No person, in the course of sludge management, shall 61661  
place on land located in the state or release into the air of the 61662  
state any sludge or sludge materials. 61663

(2) An action prohibited under division (B)(1) of this 61664  
section is hereby declared to be a public nuisance. 61665

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

(F) This section does not apply to any of the following:

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1511. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other

wastes into a sewerage system tributary to a treatment works. 61729  
Division (F)(6) of this section does not authorize any discharge 61730  
into a publicly owned treatment works in violation of a 61731  
pretreatment program applicable to the publicly owned treatment 61732  
works. 61733

~~(7) A household sewage treatment system or a small flow 61734  
on-site sewage treatment system, as applicable, as defined in 61735  
section 3718.01 of the Revised Code that is installed Septic tanks 61736  
or other disposal systems for the disposal or treatment of sewage 61737  
from single-family, two-family, or three-family dwellings in 61738  
compliance with ~~Chapter 3718.~~ the sanitary code and section 61739  
3707.01 of the Revised Code and rules adopted under it. Division 61740  
(F)(7) of this section does not authorize, without a permit, any 61741  
discharge that is prohibited by, or for which a permit is required 61742  
by, regulation of the United States environmental protection 61743  
agency. 61744~~

(8) Exceptional quality sludge generated outside of this 61745  
state and contained in bags or other containers not greater than 61746  
one hundred pounds in capacity. As used in division (F)(8) of this 61747  
section, "exceptional quality sludge" has the same meaning as in 61748  
division (Y) of section 3745.11 of the Revised Code. 61749

(G) The holder of a permit issued under section 402 (a) of 61750  
the Federal Water Pollution Control Act need not obtain a permit 61751  
for a discharge authorized by the permit until its expiration 61752  
date. Except as otherwise provided in this division, the director 61753  
of environmental protection shall administer and enforce those 61754  
permits within this state and may modify their terms and 61755  
conditions in accordance with division (J) of section 6111.03 of 61756  
the Revised Code. On and after the date on which the United States 61757  
environmental protection agency approves the NPDES program 61758  
submitted by the director of agriculture under section 903.08 of 61759  
the Revised Code, the director of agriculture shall administer and 61760

enforce those permits within this state that are issued for any 61761  
discharge that is within the scope of the approved NPDES program 61762  
submitted by the director of agriculture. 61763

**Sec. 6111.44.** (A) Except as otherwise provided in division 61764  
(B) of this section, in section 6111.14 of the Revised Code, or in 61765  
rules adopted under division (G) of section 6111.03 of the Revised 61766  
Code, no municipal corporation, county, public institution, 61767  
corporation, or officer or employee thereof or other person shall 61768  
provide or install sewerage or treatment works for sewage, sludge, 61769  
or sludge materials disposal or treatment or make a change in any 61770  
sewerage or treatment works until the plans therefor have been 61771  
submitted to and approved by the director of environmental 61772  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 61773  
to sewerage and treatment works of a municipal corporation or part 61774  
thereof, an unincorporated community, a county sewer district, or 61775  
other land outside of a municipal corporation or any publicly or 61776  
privately owned building or group of buildings or place, used for 61777  
the assemblage, entertainment, recreation, education, correction, 61778  
hospitalization, housing, or employment of persons. 61779

In granting an approval, the director may stipulate 61780  
modifications, conditions, and rules that the public health and 61781  
prevention of pollution may require. Any action taken by the 61782  
director shall be a matter of public record and shall be entered 61783  
in the director's journal. Each period of thirty days that a 61784  
violation of this section continues, after a conviction for the 61785  
violation, constitutes a separate offense. 61786

(B) Sections 6111.45 and 6111.46 of the Revised Code and 61787  
division (A) of this section do not apply to any of the following: 61788

(1) Sewerage or treatment works for sewage installed or to be 61789  
installed for the use of a private residence or dwelling; 61790

(2) Sewerage systems, treatment works, or disposal systems 61791



for storm water from an animal feeding facility or manure, as 61792  
"animal feeding facility" and "manure" are defined in section 61793  
903.01 of the Revised Code; 61794

(3) Animal waste treatment or disposal works and related 61795  
management and conservation practices that are subject to rules 61796  
adopted under division (E)(2) of section 1511.02 of the Revised 61797  
Code; 61798

~~(4) Sewerage or treatment works for the on lot disposal or 61799  
treatment of sewage from a small flow on site sewage treatment 61800  
system, as defined in section 3718.01 of the Revised Code, if the 61801  
board of health of a city or general health district has notified 61802  
the director of health and the director of environmental 61803  
protection under section 3718.021 of the Revised Code that the 61804  
board has chosen to regulate the system, provided that the board 61805  
remains in compliance with the rules adopted under division 61806  
(A)(13) of section 3718.02 of the Revised Code. 61807~~

The exclusions established in divisions (B)(2) and (3) of 61808  
this section do not apply to the construction or installation of 61809  
disposal systems, as defined in section 6111.01 of the Revised 61810  
Code, that are located at an animal feeding facility and that 61811  
store, treat, or discharge wastewaters that do not include storm 61812  
water or manure or that discharge to a publicly owned treatment 61813  
works. 61814

**Sec. 6119.06.** Upon the declaration of the court of common 61815  
pleas organizing the regional water and sewer district pursuant to 61816  
section 6119.04 of the Revised Code and upon the qualifying of its 61817  
board of trustees and the election of a president and a secretary, 61818  
said district shall exercise in its own name all the rights, 61819  
powers, and duties vested in it by Chapter 6119. of the Revised 61820  
Code, and, subject to such reservations, limitations and 61821  
qualifications as are set forth in this Chapter, such district 61822

may: 61823

(A) Adopt bylaws for the regulation of its affairs, the 61824  
conduct of its business, and notice of its actions; 61825

(B) Adopt an official seal; 61826

(C) Maintain a principal office and suboffices at such places 61827  
within the district as it designates; 61828

(D) Sue and plead in its own name; be sued and impleaded in 61829  
its own name with respect to its contracts or torts of its 61830  
members, employees, or agents acting within the scope of their 61831  
employment, or to enforce its obligations and covenants made under 61832  
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 61833  
such actions against the district shall be brought in the court of 61834  
common pleas of the county in which the principal office of the 61835  
district is located, or in the court of common pleas of the county 61836  
in which the cause of action arose, and all summonses, exceptions, 61837  
and notices of every kind shall be served on the district by 61838  
leaving a copy thereof at the principal office with the person in 61839  
charge thereof or with the secretary of the district. 61840

(E) Assume any liability or obligation of any person or 61841  
political subdivision, including a right on the part of such 61842  
district to indemnify and save harmless the other contracting 61843  
party from any loss, cost, or liability by reason of the failure, 61844  
refusal, neglect, or omission of such district to perform any 61845  
agreement assumed by it or to act or discharge any such 61846  
obligation; 61847

(F) Make loans and grants to political subdivisions for the 61848  
acquisition or construction of water resource projects by such 61849  
political subdivisions and adopt rules, regulations, and 61850  
procedures for making such loans and grants; 61851

(G) Acquire, construct, reconstruct, enlarge, improve, 61852  
furnish, equip, maintain, repair, operate, lease or rent to or 61853

from, or contract for operation by or for, a political subdivision 61854  
or person, water resource projects within or without the district; 61855

(H) Make available the use or service of any water resource 61856  
project to one or more persons, one or more political 61857  
subdivisions, or any combination thereof; 61858

(I) Levy and collect taxes and special assessments; 61859

(J) Issue bonds and notes and refunding bonds and notes as 61860  
provided in Chapter 6119. of the Revised Code; 61861

(K) Acquire by gift or purchase, hold, and dispose of real 61862  
and personal property in the exercise of its powers and the 61863  
performance of its duties under Chapter 6119. of the Revised Code; 61864

(L) Dispose of, by public or private sale, or lease any real 61865  
or personal property determined by the board of trustees to be no 61866  
longer necessary or needed for the operation or purposes of the 61867  
district; 61868

(M) Acquire, in the name of the district, by purchase or 61869  
otherwise, on such terms and in such manner as it considers 61870  
proper, or by the exercise of the right of condemnation in the 61871  
manner provided by section 6119.11 of the Revised Code, such 61872  
public or private lands, including public parks, playgrounds, or 61873  
reservations, or parts thereof or rights therein, rights-of-way, 61874  
property, rights, easements, and interests as it considers 61875  
necessary for carrying out Chapter 6119. of the Revised Code, but 61876  
excluding the acquisition by the exercise of the right of 61877  
condemnation of any waste water facility or water management 61878  
facility owned by any person or political subdivision, and 61879  
compensation shall be paid for public or private lands so taken; 61880

(N) Adopt rules and regulations to protect augmented flow by 61881  
the district in waters of the state, to the extent augmented by a 61882  
water resource project, from depletion so it will be available for 61883  
beneficial use, to provide standards for the withdrawal from 61884

waters of the state of the augmented flow created by a water 61885  
resource project which is not returned to the waters of the state 61886  
so augmented, and to establish reasonable charges therefor, if 61887  
considered necessary by the district; 61888

(O) Make and enter into all contracts and agreements and 61889  
execute all instruments necessary or incidental to the performance 61890  
of its duties and the execution of its powers under Chapter 6119. 61891  
of the Revised Code; 61892

(P) Enter into contracts with any person or any political 61893  
subdivision to render services to such contracting party for any 61894  
service the district is authorized to provide; 61895

(Q) Enter into agreements for grants or the receipt and 61896  
repayment of loans from a board of township trustees under section 61897  
505.705 of the Revised Code; 61898

(R) Make provision for, contract for, or sell any of its 61899  
by-products or waste; 61900

~~(R)~~(S) Exercise the power of eminent domain in the manner 61901  
provided in Chapter 6119. of the Revised Code; 61902

~~(S)~~(T) Remove or change the location of any fence, building, 61903  
railroad, canal, or other structure or improvement located in or 61904  
out of the district, and in case it is not feasible or economical 61905  
to move any such building, structure, or improvement situated in 61906  
or upon lands required, and if the cost is determined by the board 61907  
to be less than that of purchase or condemnation, to acquire land 61908  
and construct, acquire, or install therein or thereon buildings, 61909  
structures, or improvements similar in purpose, to be exchanged 61910  
for such buildings, structures, or improvements under contracts 61911  
entered into between the owner thereof and the district; 61912

~~(T)~~(U) Receive and accept, from any federal or state agency, 61913  
grants for or in aid of the construction of any water resource 61914  
project, and receive and accept aid or contributions from any 61915

source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

~~(U)~~(V) Purchase fire and extended coverage and liability insurance for any water resource project and for the principal office and suboffices of the district, insurance protecting the district and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the district may agree to provide under any resolution authorizing its water resource revenue bonds or in any trust agreement securing the same;

~~(V)~~(W) Charge, alter, and collect rentals and other charges for the use of services of any water resource project as provided in section 6119.09 of the Revised Code. Such district may refuse the services of any of its projects if any of such rentals or other charges, including penalties for late payment, are not paid by the user thereof, and, if such rentals or other charges are not paid when due and upon certification of nonpayment to the county auditor, such rentals or other charges constitute a lien upon the property so served, shall be placed by ~~him~~ the auditor upon the real property tax list and duplicate, and shall be collected in the same manner as other taxes~~;~~.

~~(W)~~(X) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

~~(X)~~(Y) Merge or combine with any other regional water and sewer district into a single district, which shall be one of the constituent districts, on terms so that the surviving district shall be possessed of all rights, capacity, privileges, powers, franchises, and authority of the constituent districts and shall be subject to all the liabilities, obligations, and duties of each of the constituent districts and all rights of creditors of such constituent districts shall be preserved unimpaired, limited in

lien to the property affected by such liens immediately prior to 61948  
the time of the merger and all debts, liabilities, and duties of 61949  
the respective constituent districts shall thereafter attach to 61950  
the surviving district and may be enforced against it, and such 61951  
other terms as are agreed upon, provided two-thirds of the members 61952  
of each of the boards consent to such merger or combination. Such 61953  
merger or combination shall become legally effective unless, prior 61954  
to the ninetieth day following the later of the consents, 61955  
qualified electors residing in either district equal in number to 61956  
a majority of the qualified electors voting at the last general 61957  
election in such district file with the secretary of the board of 61958  
trustees of their regional water and sewer district a petition of 61959  
remonstrance against such merger or combination. The secretary 61960  
shall cause the board of elections of the proper county or 61961  
counties to check the sufficiency of the signatures on such 61962  
petition. 61963

~~(Y)~~(Z) Exercise the powers of the district without obtaining 61964  
the consent of any other political subdivision, provided that all 61965  
public or private property damaged or destroyed in carrying out 61966  
the powers of the district shall be restored or repaired and 61967  
placed in its original condition as nearly as practicable or 61968  
adequate compensation made therefor by the district; 61969

~~(Z)~~(AA) Require the owner of any premises located within the 61970  
district to connect ~~his~~ the owner's premises to a water resource 61971  
project determined to be accessible to such premises and found to 61972  
require such connection so as to prevent or abate pollution or 61973  
protect the health and property of persons in the district. Such 61974  
connection shall be made in accordance with procedures established 61975  
by the board of trustees of such district and pursuant to such 61976  
orders as the board may find necessary to ensure and enforce 61977  
compliance with such procedures~~+~~. 61978

~~(AA)~~(BB) Do all acts necessary or proper to carry out the 61979

powers granted in Chapter 6119. of the Revised Code. 61980

**Sec. 6121.04.** The Ohio water development authority may do any 61981  
or all of the following: 61982

(A) Adopt bylaws for the regulation of its affairs and the 61983  
conduct of its business; 61984

(B) Adopt an official seal; 61985

(C) Maintain a principal office and suboffices at places 61986  
within the state that it designates; 61987

(D) Sue and plead in its own name and be sued and impleaded 61988  
in its own name with respect to its contracts or torts of its 61989  
members, employees, or agents acting within the scope of their 61990  
employment, or to enforce its obligations and covenants made under 61991  
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 61992  
such actions against the authority shall be brought in the court 61993  
of common pleas of the county in which the principal office of the 61994  
authority is located or in the court of common pleas of the county 61995  
in which the cause of action arose, provided that the county is 61996  
located within this state, and all summonses, exceptions, and 61997  
notices of every kind shall be served on the authority by leaving 61998  
a copy thereof at the principal office with the person in charge 61999  
thereof or with the secretary-treasurer of the authority. 62000

(E) Make loans and grants to governmental agencies for the 62001  
acquisition or construction of water development projects by any 62002  
such governmental agency and adopt rules and procedures for making 62003  
such loans and grants; 62004

(F) Acquire, construct, reconstruct, enlarge, improve, 62005  
furnish, equip, maintain, repair, operate, or lease or rent to, or 62006  
contract for operation by, a governmental agency or person, water 62007  
development projects, and establish rules for the use of those 62008  
projects; 62009

(G) Make available the use or services of any water development project to one or more persons, one or more governmental agencies, or any combination thereof;

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(H) Issue water development revenue bonds and notes and water development revenue refunding bonds of the state, payable solely from revenues as provided in section 6121.06 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost of one or more water development projects or parts thereof;

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(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter;

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(J) Acquire, in the name of the state, by purchase or otherwise, on terms and in the manner that it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6121.18 of the Revised Code, public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests that it considers necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any waste water facility or water management facility owned by any person or governmental agency, and compensation shall be paid for public or private lands so taken, except that a government-owned waste water facility may be appropriated in accordance with section 6121.041 of the Revised Code;

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(K) Adopt rules to protect augmented flow in waters of the state, to the extent augmented by a water development project, from depletion so it will be available for beneficial use, and to provide standards for the withdrawal from waters of the state of the augmented flow created by a water development project that is not returned to the waters of the state so augmented and to

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establish reasonable charges therefor if considered necessary by 62042  
the authority; 62043

(L) Make and enter into all contracts and agreements and 62044  
execute all instruments necessary or incidental to the performance 62045  
of its duties and the execution of its powers under this chapter 62046  
in accordance with the following requirements: 62047

(1) When the cost under any such contract or agreement, other 62048  
than compensation for personal services, involves an expenditure 62049  
of more than twenty-five thousand dollars, the authority shall 62050  
make a written contract with the lowest responsive and responsible 62051  
bidder, in accordance with section 9.312 of the Revised Code, 62052  
after advertisement for not less than two consecutive weeks in a 62053  
newspaper of general circulation in Franklin county, and in other 62054  
publications that the authority determines, which shall state the 62055  
general character of the work and the general character of the 62056  
materials to be furnished, the place where plans and 62057  
specifications therefor may be examined, and the time and place of 62058  
receiving bids, provided that a contract or lease for the 62059  
operation of a water development project constructed and owned by 62060  
the authority or an agreement for cooperation in the acquisition 62061  
or construction of a water development project pursuant to section 62062  
6121.13 of the Revised Code or any contract for the construction 62063  
of a water development project that is to be leased by the 62064  
authority to, and operated by, persons who are not governmental 62065  
agencies and the cost of the project is to be amortized 62066  
exclusively from rentals or other charges paid to the authority by 62067  
persons who are not governmental agencies is not subject to the 62068  
foregoing requirements and the authority may enter into such a 62069  
contract or lease or such an agreement pursuant to negotiation and 62070  
upon terms and conditions and for the period that it finds to be 62071  
reasonable and proper in the circumstances and in the best 62072  
interests of proper operation or of efficient acquisition or 62073

construction of the project. 62074

(2) Each bid for a contract for the construction, demolition, 62075  
alteration, repair, or reconstruction of an improvement shall 62076  
contain the full name of every person interested in it and shall 62077  
meet the requirements of section 153.54 of the Revised Code. 62078

(3) Each bid for a contract except as provided in division 62079  
(L)(2) of this section shall contain the full name of every person 62080  
or company interested in it and shall be accompanied by a 62081  
sufficient bond or certified check on a solvent bank that if the 62082  
bid is accepted, a contract will be entered into and the 62083  
performance thereof secured. 62084

(4) The authority may reject any and all bids. 62085

(5) A bond with good and sufficient surety, approved by the 62086  
authority, shall be required of every contractor awarded a 62087  
contract except as provided in division (L)(2) of this section, in 62088  
an amount equal to at least fifty per cent of the contract price, 62089  
conditioned upon the faithful performance of the contract. 62090

(M) Employ managers, superintendents, and other employees and 62091  
retain or contract with consulting engineers, financial 62092  
consultants, accounting experts, architects, attorneys, and other 62093  
consultants and independent contractors that are necessary in its 62094  
judgment to carry out this chapter, and fix the compensation 62095  
thereof. All expenses thereof shall be payable solely from the 62096  
proceeds of water development revenue bonds or notes issued under 62097  
this chapter, from revenues, or from funds appropriated for that 62098  
purpose by the general assembly. 62099

(N) Receive and accept from any federal agency, subject to 62100  
the approval of the governor, grants for or in aid of the 62101  
construction of any water development project or for research and 62102  
development with respect to waste water or water management 62103  
facilities, and receive and accept aid or contributions from any 62104

source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made; 62105  
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(O) Engage in research and development with respect to waste water or water management facilities; 62108  
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(P) Purchase fire and extended coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its water development revenue bonds or in any trust agreement securing the same; 62110  
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(Q) Charge, alter, and collect rentals and other charges for the use or services of any water development project as provided in section 6121.13 of the Revised Code; 62118  
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(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code; 62121  
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(S) Assist in the implementation and administration of the drinking water assistance fund and program created in section 6109.22 of the Revised Code and the water pollution control loan fund and program created in section 6111.036 of the Revised Code, including, without limitation, performing or providing fiscal management for the funds and investing and disbursing moneys in the funds, and enter into all necessary and appropriate agreements with the director of environmental protection for those purposes; 62123  
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(T) Issue water development revenue bonds and notes of the state in principal amounts that are necessary for the purpose of raising moneys for the sole benefit of the water pollution control loan fund created in section 6111.036 of the Revised Code, including moneys to meet the requirement for providing matching 62131  
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moneys under division (D) of that section. The bonds and notes may 62136  
be secured by appropriate trust agreements and repaid from moneys 62137  
credited to the fund from payments of principal and interest on 62138  
loans made from the fund, as provided in division (F) of section 62139  
6111.036 of the Revised Code. 62140

(U) Issue water development revenue bonds and notes of the 62141  
state in principal amounts that are necessary for the purpose of 62142  
raising moneys for the sole benefit of the drinking water 62143  
assistance fund created in section 6109.22 of the Revised Code, 62144  
including moneys to meet the requirement for providing matching 62145  
moneys under divisions (B) and (F) of that section. The bonds and 62146  
notes may be secured by appropriate trust agreements and repaid 62147  
from moneys credited to the fund from payments of principal and 62148  
interest on loans made from the fund, as provided in division (F) 62149  
of section 6109.22 of the Revised Code. 62150

(V) Make loans to and enter into agreements with boards of 62151  
county commissioners for the purposes of section ~~1521.26~~ 1506.44 62152  
of the Revised Code and adopt rules establishing requirements and 62153  
procedures for making the loans and entering into the agreements; 62154

(W) Do all acts necessary or proper to carry out the powers 62155  
expressly granted in this chapter. 62156

Any instrument by which real property is acquired pursuant to 62157  
this section shall identify the agency of the state that has the 62158  
use and benefit of the real property as specified in section 62159  
5301.012 of the Revised Code. 62160

**Sec. 6131.23.** The assessments estimated in accordance with 62161  
section 6131.14 of the Revised Code shall be payable in not less 62162  
than two semiannual installments. At the time of the final 62163  
hearing, in the order approving the levying of the assessments, 62164  
the board of county commissioners shall determine how long a 62165  
period of time, in semiannual installments, as taxes are paid, 62166

shall be given the owners of land benefited to pay the assessments 62167  
that are made for an improvement and whether or not bonds or notes 62168  
shall be issued and sold in anticipation of such payments. If 62169  
bonds or notes are to be issued, the interest shall be added to 62170  
the assessments. If the estimated cost of the improvement does not 62171  
exceed five hundred dollars, not more than two semiannual 62172  
installments, as taxes are paid, shall be given to owners of lands 62173  
benefited to pay the assessments that are made for the 62174  
improvement. If the estimated cost of the improvement exceeds five 62175  
hundred dollars, the board may determine the number of 62176  
installments in which the assessments are to be paid. If any such 62177  
assessment is twenty-five dollars or less, or whenever the unpaid 62178  
balance of any such assessment is twenty-five dollars or less, the 62179  
same shall be paid in full, and not in installments, at the time 62180  
the first or next installment would otherwise become due. 62181

When assessments are payable in installments and county 62182  
general funds are used to pay for the improvement, the assessment 62183  
shall not exceed ~~ten~~ thirty semiannual installments, as computed 62184  
by the county auditor pursuant to section 6131.49 of the Revised 62185  
Code, and shall be payable upon completion of the contract. 62186

When assessments are made payable in installments and bonds 62187  
or notes have been sold to pay for the improvement, interest shall 62188  
be added to the installments of assessments at the same rate as is 62189  
drawn by the bonds or notes issued to pay for the improvements. 62190  
Any owner may pay the estimated assessments on the owner's land in 62191  
cash within thirty days after the final hearing without paying any 62192  
interest thereon. If the legislative authority of a political 62193  
subdivision chooses to pay the assessments on all parcels within 62194  
the subdivision, both public and private, in one installment, it 62195  
shall pass a resolution so stating and shall send the resolution, 62196  
or a copy thereof, to the board of county commissioners before 62197  
making the payment. The legislative authority shall pay all 62198

subsequent maintenance assessments levied under section 6137.03 of 62199  
the Revised Code if it chooses to pay the construction assessments 62200  
on all parcels within the subdivision. 62201

Bonds may be sold for any repayment period that the board of 62202  
county commissioners may determine proper, not to exceed ~~sixteen~~ 62203  
thirty semiannual installments, except that for bonds sold by a 62204  
board of county commissioners for soil and water conservation 62205  
district improvements pursuant to section 1515.24 of the Revised 62206  
Code, the repayment period shall not exceed thirty semiannual 62207  
installments. 62208

**Section 101.02.** That existing sections 9.30, 9.821, 9.822, 62209  
9.823, 9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 62210  
117.11, 119.07, 120.33, 121.48, 122.17, 122.171, 122.602, 122.652, 62211  
124.152, 125.01, 125.02, 125.021, 125.022, 125.023, 125.04, 62212  
125.041, 125.05, 125.06, 125.07, 125.071, 125.072, 125.073, 62213  
125.08, 125.081, 125.082, 125.09, 125.10, 125.11, 125.15, 125.18, 62214  
125.25, 125.30, 125.45, 125.93, 125.96, 125.97, 125.98, 126.03, 62215  
126.07, 126.08, 126.21, 126.22, 127.16, 131.44, 133.01, 133.081, 62216  
149.311, 151.08, 151.40, 156.02, 164.03, 164.08, 164.09, 166.08, 62217  
167.04, 173.04, 173.35, 173.85, 173.86, 174.03, 174.06, 183.01, 62218  
183.021, 183.17, 183.33, 183.34, 183.35, 305.31, 307.672, 307.695, 62219  
307.98, 307.981, 308.04, 317.08, 319.202, 319.54, 322.01, 323.131, 62220  
323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 62221  
329.14, 333.02, 333.04, 340.03, 505.37, 505.376, 505.705, 517.08, 62222  
519.12, 711.001, 711.05, 711.10, 711.131, 718.051, 718.13, 62223  
901.171, 1306.20, 1306.21, 1347.06, 1503.05, 1504.02, 1506.01, 62224  
1506.99, 1513.08, 1513.18, 1514.081, 1514.40, 1521.01, 1521.20, 62225  
1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 62226  
1521.28, 1521.29, 1521.30, 1521.99, 1531.06, 1531.35, 1555.08, 62227  
1557.03, 2113.041, 2117.061, 2117.25, 2151.362, 2305.2341, 62228  
2913.40, 2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 62229  
3119.023, 3119.05, 3119.27, 3119.29, 3119.30, 3119.32, 3125.12, 62230

3301.011, 3301.07, 3301.0711, 3301.0714, 3301.0718, 3301.12, 62231  
3301.311, 3301.53, 3302.03, 3302.10, 3310.41, 3311.24, 3311.51, 62232  
3311.521, 3313.532, 3313.603, 3313.615, 3313.64, 3313.646, 62233  
3313.66, 3313.661, 3313.841, 3313.843, 3313.97, 3313.974, 62234  
3313.977, 3313.978, 3313.98, 3313.983, 3314.015, 3314.02, 3314.06, 62235  
3314.061, 3314.074, 3314.08, 3314.083, 3317.01, 3317.012, 62236  
3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.02, 62237  
3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.026, 62238  
3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 62239  
3317.031, 3317.032, 3317.04, 3317.05, 3317.051, 3317.052, 3317.06, 62240  
3317.063, 3317.07, 3317.08, 3317.15, 3317.16, 3317.19, 3317.20, 62241  
3317.201, 3318.01, 3318.011, 3318.023, 3318.12, 3318.15, 3318.26, 62242  
3318.36, 3319.55, 3321.03, 3323.011, 3323.02, 3323.03, 3323.031, 62243  
3323.04, 3323.05, 3323.051, 3323.07, 3323.09, 3323.091, 3323.12, 62244  
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3323.18, 3323.20, 3323.30, 3325.011, 3325.02, 3327.01, 3327.05, 62246  
3327.16, 3333.04, 3333.122, 3333.36, 3333.38, 3345.05, 3345.32, 62247  
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3365.01, 3381.04, 3501.01, 3501.05, 3501.11, 3501.17, 3501.31, 62249  
3505.062, 3505.063, 3505.23, 3513.21, 3517.106, 3517.11, 3599.17, 62250  
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3770.06, 3905.36, 3923.281, 4112.12, 4112.13, 4141.09, 4301.20, 62256  
4301.24, 4301.43, 4303.03, 4503.06, 4503.061, 4503.064, 4503.065, 62257  
4503.066, 4503.067, 4503.10, 4503.102, 4503.35, 4505.06, 4511.101, 62258  
4513.241, 4513.263, 4513.35, 4715.251, 4717.07, 4723.32, 4723.621, 62259  
4723.63, 4723.64, 4723.65, 4723.66, 4731.053, 4731.142, 4731.22, 62260  
4735.10, 4735.141, 4736.01, 4743.05, 4753.02, 4753.05, 4753.11, 62261  
4755.03, 4766.05, 4775.08, 4921.40, 5101.141, 5101.16, 5101.162, 62262  
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5101.244, 5101.27, 5101.51, 5101.571, 5101.572, 5101.58, 5101.59, 62264  
5101.802, 5101.98, 5104.04, 5104.30, 5107.02, 5107.03, 5107.05, 62265  
5107.10, 5107.12, 5107.14, 5107.16, 5107.17, 5107.18, 5107.281, 62266  
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5111.013, 5111.014, 5111.016, 5111.019, 5111.0111, 5111.0112, 62268  
5111.023, 5111.03, 5111.06, 5111.084, 5111.10, 5111.101, 5111.11, 62269  
5111.112, 5111.113, 5111.163, 5111.17, 5111.172, 5111.20, 62270  
5111.851, 5111.871, 5111.872, 5111.8814, 5111.89, 5111.891, 62271  
5111.915, 5111.95, 5111.96, 5112.341, 5115.12, 5119.611, 5123.01, 62272  
5123.012, 5123.043, 5123.045, 5123.046, 5123.047, 5123.048, 62273  
5123.049, 5123.0411, 5123.051, 5123.19, 5123.196, 5123.198, 62274  
5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 62275  
5123.99, 5126.038, 5126.04, 5126.041, 5126.042, 5126.046, 5126.05, 62276  
5126.054, 5126.055, 5126.056, 5126.057, 5126.06, 5126.12, 5126.15, 62277  
5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 62278  
5126.47, 5139.43, 5323.01, 5323.02, 5323.99, 5528.54, 5531.10, 62279  
5537.04, 5537.16, 5537.99, 5703.57, 5703.80, 5705.01, 5705.214, 62280  
5705.25, 5705.29, 5705.44, 5709.68, 5711.01, 5713.011, 5725.24, 62281  
5727.06, 5727.45, 5727.81, 5727.84, 5727.85, 5727.86, 5727.87, 62282  
5733.12, 5733.39, 5733.98, 5739.02, 5739.032, 5739.033, 5739.09, 62283  
5739.12, 5739.122, 5739.21, 5741.02, 5741.03, 5741.121, 5743.01, 62284  
5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5747.03, 5747.47, 62285  
5747.50, 5747.501, 5747.51, 5747.54, 5747.98, 5748.01, 5748.02, 62286  
5748.021, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 62287  
6111.04, 6111.44, 6119.06, 6121.04, and 6131.23 of the Revised 62288  
Code are hereby repealed. 62289

**Section 105.01.** That sections 103.141, 125.95, 183.02, 62290  
183.27, 183.32, 3318.47, 3318.48, 3318.49, 3323.01, 3323.06, 62291  
3323.08, 3323.11, 3333.29, 3704.14, 4911.021, 5111.161, 5123.16, 62292  
5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 62293  
5126.44, 5126.451, 5743.331, 5747.61, 5747.62, and 5747.63 of the 62294  
Revised Code are hereby repealed. 62295



**Section 105.03.** That the version of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007, as a result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. It is the intent of this section to prevent the amendment of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007.

**Section 115.03.** That section 5101.213 of the Revised Code is hereby repealed, effective July 1, 2008.

**Section 120.01.** During the period beginning July 1, 2007, and expiring July 1, 2009, the operation of sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised Code is suspended. On July 1, 2009, sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised Code, in either their present form or as they are later amended, again become operational.

**Section 120.02.** (A) Not later than thirty days after the effective date of this section and notwithstanding any provision of law to the contrary, the Public Health Council shall rescind rules adopted by the Council under section 3718.02 of the Revised Cod, that took effect on January 1, 2007. At the same time as those rules are rescinded, the Council shall adopt rules that are identical to the rules adopted by the Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that Chapter that established requirements for separation distances from a water table and soil absorption requirements. Instead, a board of health or the authority having the duties of a board of health shall adopt standards establishing requirements for separation distances

from a water table and soil absorption requirements based on the 62326  
water table and soils in the applicable health district for 62327  
purposes of the installation and operation of household sewage 62328  
treatment systems and small flow on-site sewage treatment systems 62329  
in the applicable health district. 62330

The rescission and adoption of rules under this division are 62331  
not subject to section 119.03 of the Revised Code. However, the 62332  
Public Health Council shall file the rules in accordance with 62333  
section 119.04 of the Revised Code. Upon that filing, the rules 62334  
take immediate effect. 62335

(B) A local board of health or the authority having the 62336  
duties of a board of health may adopt standards for use in the 62337  
health district that are more stringent than the rules adopted 62338  
under division (A) of this section, provided that the board of 62339  
health or authority having the duties of a board of health in 62340  
adopting such standards considers the economic impact of those 62341  
standards on property owners, the state of available technology, 62342  
and the nature and economics of the available alternatives. If a 62343  
board of health or authority having the duties of a board of 62344  
health adopts standards that are more stringent than the rules 62345  
adopted under division (A) of this section, the board or authority 62346  
shall send a copy of the standards to the Department of Health. 62347

(C)(1) A board of health or the authority having the duties 62348  
of a board of health shall approve or deny the use of household 62349  
sewage treatment systems and small flow on-site sewage treatment 62350  
systems in the applicable health district. In approving or denying 62351  
a household sewage treatment system or a small flow on-site sewage 62352  
treatment system for use in the health district, the board or 62353  
authority shall consider the economic impact of the system on 62354  
property owners, the state of available technology, and the nature 62355  
and economics of the available alternatives, ensure that a system 62356  
will not create a public health nuisance, and require a system to 62357

comply with the requirements established in divisions (C)(2) and 62358  
(3) of this section. 62359

(2) Notwithstanding any rule adopted by the Public Health 62360  
Council or standard adopted by a board of health or the authority 62361  
having the duties of a board of health governing the installation 62362  
and operation of sewage treatment systems, a board of health or 62363  
the authority having the duties of a board of health shall ensure 62364  
that the design and installation of a soil absorption system 62365  
prevents public health nuisances. To the extent determined 62366  
necessary by a board of health or the authority having the duties 62367  
of a board of health, a sewage treatment system that is installed 62368  
after the effective date of this section shall not discharge to a 62369  
ditch, stream, pond, lake, natural or artificial waterway, drain 62370  
tile, other surface water, or the surface of the ground unless 62371  
authorized by a national pollutant discharge elimination system 62372  
(NPDES) permit issued under Chapter 6111. of the Revised Code and 62373  
rules adopted under it. In addition, a sewage treatment system 62374  
shall not discharge to an abandoned well, a drainage well, a dry 62375  
well or cesspool, a sinkhole, or another connection to ground 62376  
water. As a condition to the issuance of a permit to operate a 62377  
system, a board of health or the authority having the duties of a 62378  
board of health shall require a service contract for any sewage 62379  
treatment system that is subject to an NPDES permit to the extent 62380  
required by the Environmental Protection Agency. If classified as 62381  
a class V injection well, a household sewage treatment system 62382  
serving a two- or three-family dwelling or a small flow on-site 62383  
sewage treatment system shall comply with 40 C.F.R. 144, as 62384  
published in the July 1, 2005, Code of Federal Regulations and 62385  
with the registration requirements established in rule 3745-34-13 62386  
of the Administrative Code. 62387

(3) Notwithstanding any rule adopted by the Public Health 62388  
Council or standard adopted by a board of health or the authority 62389

having the duties of a board of health governing the installation 62390  
and operation of household sewage treatment systems, all septic 62391  
tanks, other disposal component tanks, dosing tanks, pump vaults, 62392  
household sewage disposal system holding tanks and privy vaults, 62393  
or other applicable sewage disposal system components manufactured 62394  
after the effective date of this section and used in this state 62395  
shall be watertight and structurally sound. 62396

(D)(1) Notwithstanding any rule adopted by the Public Health 62397  
Council governing the installation and operation of household 62398  
sewage treatment systems, a board of health or the authority 62399  
having the duties of a board of health may establish and collect 62400  
fees for the purposes of this section. 62401

(2) In addition to the fees that are authorized to be 62402  
established under division (D)(1) of this section, there is hereby 62403  
levied an application fee of twenty-five dollars for a sewage 62404  
treatment system installation permit. A board of health or the 62405  
authority having the duties of a board of health shall collect the 62406  
fee on behalf of the Department of Health and forward the fee to 62407  
the Department to be deposited in the state treasury to the credit 62408  
of the Sewage Treatment System Innovation Fund, which is hereby 62409  
created. Not more than seventy-five per cent of the money in the 62410  
Fund shall be used by the Department to administer the sewage 62411  
treatment system program, and not less than twenty-five per cent 62412  
of the money in the Fund shall be used to establish a grant 62413  
program in cooperation with boards of health to fund the 62414  
installation and evaluation of new technology pilot projects. In 62415  
the selection of the pilot projects, the Director of Health shall 62416  
consult with the Sewage Treatment System Technical Advisory 62417  
Committee created in section 3718.03 of the Revised Code. 62418

(E) Not later than one year after the installation of a 62419  
household sewage treatment system, a board of health or the 62420  
authority having the duties of a board of health shall inspect the 62421

system to ensure that it is not a public health nuisance. 62422

(F) The Department of Health may file an injunctive action 62423  
against a board of health or the authority having the duties of a 62424  
board of health that allows a household sewage treatment system or 62425  
small flow on-site sewage treatment system to cause a public 62426  
health nuisance, provided that the Department provides reasonable 62427  
notice to the board or authority and allows for the opportunity to 62428  
abate the nuisance prior to the action. 62429

(G) The Environmental Protection Agency shall not require a 62430  
board of health or the authority having the duties of a board of 62431  
health to enter into a memorandum of understanding or any other 62432  
agreement with the Agency regarding the issuance of NPDES permits 62433  
for off-lot sewage treatment systems. Instead, a representative of 62434  
a board of health or the authority having the duties of a board of 62435  
health may meet with a person who intends to install such a system 62436  
to determine the feasibility of the system and refer the person to 62437  
the Agency to secure an NPDES permit for the system if needed. 62438

(H) Notwithstanding any rule adopted by the Public Health 62439  
Council governing the installation and operation of household 62440  
sewage treatment systems, a board of health or the authority 62441  
having the duties of a board of health that, prior to the 62442  
effective date of this section, has obtained authority from the 62443  
Department of Health and the Environmental Protection Agency to 62444  
regulate small flow on-site sewage treatment systems may continue 62445  
to regulate such systems on and after the effective date of this 62446  
section. A board of health or the authority having the duties of a 62447  
board of health that has not obtained such authority may request 62448  
the authority from the Department of Health and the Environmental 62449  
Protection Agency in the manner provided by law. 62450

(I) Because the rules adopted by the Public Health Council 62451  
under section 3718.02 of the Revised Code that were effective on 62452  
January 1, 2007, have been rescinded by operation of this section, 62453

the references to those rules in section 3718.021 of the Revised Code are not operable. Instead, notwithstanding any other provisions of this section, the Public Health Council shall provide for the implementation of section 3718.021 of the Revised Code in the rules that are required to be adopted under division (A) of this section.

(J) The Department of Health in cooperation with a board of health or the authority having the duties of a board of health shall assess the familiarity of the board's or authority's staff with the best practices in the use of sewage treatment systems and conduct appropriate training to educate the board's or authority's staff in those best practices and in the use of any new sewage treatment system technology that is recommended for use by the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(K)(1) As used in this section, "household sewage treatment system," "small flow on-site sewage treatment system," and "sewage treatment system" have the same meanings as in section 3718.01 of the Revised Code.

(2) For the purposes of this section, "household sewage treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section.

(L) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on July 1, 2009, pursuant to Section 120.01 of this act.

**Section 120.03.** That sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 be amended and section 3718.022 of the Revised Code be enacted to read as follows:

**Sec. 711.001.** As used in this chapter:

(A) "Plat" means a map of a tract or parcel of land.	62484
(B) "Subdivision" means either of the following:	62485
(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:	62486 62487 62488 62489 62490 62491
(a) A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;	62492 62493
(b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;	62494 62495 62496
(c) If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.	62497 62498 62499 62500
(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.	62501 62502 62503 62504 62505 62506 62507 62508 62509
<del>(C) "Household sewage treatment system" has the same meaning as in section 3709.091 of the Revised Code.</del>	62510 62511
<b>Sec. 711.05.</b> (A) Upon the submission of a plat for approval, in accordance with section 711.041 of the Revised Code, the board	62512 62513

of county commissioners shall certify on it the date of the 62514  
submission. Within five days of submission of the plat, the board 62515  
shall schedule a meeting to consider the plat and send a written 62516  
notice by regular mail to the fiscal officer of the board of 62517  
township trustees of the township in which the plat is located and 62518  
the board of health of the health district in which the plat is 62519  
located. The notice shall inform the trustees and the board of 62520  
health of the submission of the plat and of the date, time, and 62521  
location of any meeting at which the board of county commissioners 62522  
will consider or act upon the proposed plat. The meeting shall 62523  
take place within thirty days of submission of the plat, and no 62524  
meeting shall be held until at least seven days have passed from 62525  
the date the notice was sent by the board of county commissioners. 62526  
The approval of the board required by section 711.041 of the 62527  
Revised Code or the refusal to approve shall take place within 62528  
thirty days from the date of submission or such further time as 62529  
the applying party may agree to in writing; otherwise, the plat is 62530  
deemed approved and may be recorded as if bearing such approval. 62531

(B) The board may adopt general rules governing plats and 62532  
subdivisions of land falling within its jurisdiction, to secure 62533  
and provide for the coordination of the streets within the 62534  
subdivision with existing streets and roads or with existing 62535  
county highways, for the proper amount of open spaces for traffic, 62536  
circulation, and utilities, and for the avoidance of future 62537  
congestion of population detrimental to the public health, safety, 62538  
or welfare, but shall not impose a greater minimum lot area than 62539  
forty-eight hundred square feet. Before the board may amend or 62540  
adopt rules, it shall notify all the townships in the county of 62541  
the proposed amendments or rules by regular mail at least thirty 62542  
days before the public meeting at which the proposed amendments or 62543  
rules are to be considered. 62544

The rules may require the ~~county department~~ board of health 62545



to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable zoning resolutions, and with household sewage treatment rules adopted under section 3718.02 of the Revised Code, as a basis for approval of a plat. Where under section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, the general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted.

(C) The ground of refusal to approve any plat, submitted in accordance with section 711.041 of the Revised Code, shall be stated upon the record of the board, and, within sixty days thereafter, the person submitting any plat that the board refuses to approve may file a petition in the court of common pleas of the county in which the land described in the plat is situated to review the action of the board. A board of township trustees is not entitled to appeal a decision of the board of county commissioners under this section.

**Sec. 711.10.** (A) Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one

and one-half miles of a village as provided in section 711.09 of 62578  
the Revised Code, shall be recorded until it is approved by the 62579  
county or regional planning commission under division (C) of this 62580  
section and the approval is endorsed in writing on the plat. 62581

(B) A county or regional planning commission may require the 62582  
submission of a preliminary plan for each plat sought to be 62583  
recorded. If the commission requires this submission, it shall 62584  
provide for a review process for the preliminary plan. Under this 62585  
review process, the planning commission shall give its approval, 62586  
its approval with conditions, or its disapproval of each 62587  
preliminary plan. The commission's decision shall be in writing, 62588  
shall be under the signature of the secretary of the commission, 62589  
and shall be issued within thirty-five business days after the 62590  
submission of the preliminary plan to the commission. The 62591  
disapproval of a preliminary plan shall state the reasons for the 62592  
disapproval. A decision of the commission under this division is 62593  
preliminary to and separate from the commission's decision to 62594  
approve, conditionally approve, or refuse to approve a plat under 62595  
division (C) of this section. 62596

(C) Within five calendar days after the submission of a plat 62597  
for approval under this division, the county or regional planning 62598  
commission shall schedule a meeting to consider the plat and send 62599  
a notice by regular mail or by electronic mail to the fiscal 62600  
officer of the board of township trustees of the township in which 62601  
the plat is located and the board of health of the health district 62602  
in which the plat is located. The notice shall inform the trustees 62603  
and the board of health of the submission of the plat and of the 62604  
date, time, and location of any meeting at which the county or 62605  
regional planning commission will consider or act upon the plat. 62606  
The meeting shall take place within thirty calendar days after 62607  
submission of the plat, and no meeting shall be held until at 62608  
least seven calendar days have passed from the date the planning 62609

commission sent the notice. 62610

The approval of the county or regional planning commission, 62611  
the commission's conditional approval as described in this 62612  
division, or the refusal of the commission to approve shall be 62613  
endorsed on the plat within thirty calendar days after the 62614  
submission of the plat for approval under this division or within 62615  
such further time as the applying party may agree to in writing; 62616  
otherwise that plat is deemed approved, and the certificate of the 62617  
commission as to the date of the submission of the plat for 62618  
approval under this division and the failure to take action on it 62619  
within that time shall be sufficient in lieu of the written 62620  
endorsement or evidence of approval required by this division. 62621

A county or regional planning commission may grant 62622  
conditional approval under this division to a plat by requiring a 62623  
person submitting the plat to alter the plat or any part of it, 62624  
within a specified period after the end of the thirty calendar 62625  
days, as a condition for final approval under this division. Once 62626  
all the conditions have been met within the specified period, the 62627  
commission shall cause its final approval under this division to 62628  
be endorsed on the plat. No plat shall be recorded until it is 62629  
endorsed with the commission's final or unconditional approval 62630  
under this division. 62631

The ground of refusal of approval of any plat submitted under 62632  
this division, including citation of or reference to the rule 62633  
violated by the plat, shall be stated upon the record of the 62634  
county or regional planning commission. Within sixty calendar days 62635  
after the refusal under this division, the person submitting any 62636  
plat that the commission refuses to approve under this division 62637  
may file a petition in the court of common pleas of the proper 62638  
county, and the proceedings on the petition shall be governed by 62639  
section 711.09 of the Revised Code as in the case of the refusal 62640  
of a planning authority to approve a plat. A board of township 62641

trustees is not entitled to appeal a decision of the commission 62642  
under this division. 62643

A county or regional planning commission shall adopt general 62644  
rules, of uniform application, governing plats and subdivisions of 62645  
land falling within its jurisdiction, to secure and provide for 62646  
the proper arrangement of streets or other highways in relation to 62647  
existing or planned streets or highways or to the county or 62648  
regional plan, for adequate and convenient open spaces for 62649  
traffic, utilities, access of firefighting apparatus, recreation, 62650  
light, and air, and for the avoidance of congestion of population. 62651  
The rules may provide for their modification by the commission in 62652  
specific cases where unusual topographical and other exceptional 62653  
conditions require the modification. The rules may require the 62654  
~~county department~~ board of health to review and comment on a plat 62655  
before the commission acts upon it and also may require proof of 62656  
compliance with any applicable zoning resolutions, and with 62657  
household sewage treatment rules adopted under section 3718.02 of 62658  
the Revised Code, as a basis for approval of a plat. 62659

Before adoption of its rules or amendment of its rules, the 62660  
commission shall hold a public hearing on the adoption or 62661  
amendment. Notice of the public hearing shall be sent to all 62662  
townships in the county or region by regular mail or electronic 62663  
mail at least thirty business days before the hearing. No county 62664  
or regional planning commission shall adopt any rules requiring 62665  
actual construction of streets or other improvements or facilities 62666  
or assurance of that construction as a condition precedent to the 62667  
approval of a plat of a subdivision unless the requirements have 62668  
first been adopted by the board of county commissioners after a 62669  
public hearing. A copy of the rules shall be certified by the 62670  
planning commission to the county recorders of the appropriate 62671  
counties. 62672

After a county or regional street or highway plan has been 62673

adopted as provided in this section, the approval of plats and 62674  
subdivisions provided for in this section shall be in lieu of any 62675  
approvals provided for in other sections of the Revised Code, 62676  
insofar as the territory within the approving jurisdiction of the 62677  
county or regional planning commission, as provided in this 62678  
section, is concerned. Approval of a plat shall not be an 62679  
acceptance by the public of the dedication of any street, highway, 62680  
or other way or open space shown upon the plat. 62681

No county or regional planning commission shall require a 62682  
person submitting a plat to alter the plat or any part of it as 62683  
long as the plat is in accordance with the general rules governing 62684  
plats and subdivisions of land, adopted by the commission as 62685  
provided in this section, in effect at the time the plat is 62686  
submitted. 62687

A county or regional planning commission and a city or 62688  
village planning commission, or platting commissioner or 62689  
legislative authority of a village, with subdivision regulation 62690  
jurisdiction over unincorporated territory within the county or 62691  
region may cooperate and agree by written agreement that the 62692  
approval of a plat by the city or village planning commission, or 62693  
platting commissioner or legislative authority of a village, as 62694  
provided in section 711.09 of the Revised Code, shall be 62695  
conditioned upon receiving advice from or approval by the county 62696  
or regional planning commission. 62697

(D) As used in this section, "business day" means a day of 62698  
the week excluding Saturday, Sunday, or a legal holiday as defined 62699  
in section 1.14 of the Revised Code. 62700

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 62701  
of the Revised Code and except as provided in division (C) of this 62702  
section, unless the rules adopted under section 711.05, 711.09, or 62703  
711.10 of the Revised Code are amended pursuant to division (B) of 62704

this section, a proposed division of a parcel of land along an 62705  
existing public street, not involving the opening, widening, or 62706  
extension of any street or road, and involving no more than five 62707  
lots after the original tract has been completely subdivided, may 62708  
be submitted to the planning authority having approving 62709  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 62710  
the Revised Code for approval without plat. If the authority 62711  
acting through a properly designated representative finds that a 62712  
proposed division is not contrary to applicable platting, 62713  
subdividing, zoning, health, sanitary, or access management 62714  
regulations ~~or~~, regulations adopted under division (B)(3) of 62715  
section 307.37 of the Revised Code regarding existing surface or 62716  
subsurface drainage, or household sewage treatment rules adopted 62717  
under section 3718.02 of the Revised Code, it shall approve the 62718  
proposed division within seven business days after its submission 62719  
and, on presentation of a conveyance of the parcel, shall stamp 62720  
the conveyance "approved by (planning authority); no plat 62721  
required" and have it signed by its clerk, secretary, or other 62722  
official as may be designated by it. The planning authority may 62723  
require the submission of a sketch and other information that is 62724  
pertinent to its determination under this division. 62725

(B) For a period of up to two years after ~~April 15, 2005~~ the 62726  
effective date of this amendment, the rules adopted under section 62727  
711.05, 711.09, or 711.10 of the Revised Code may be amended 62728  
within that period to authorize the planning authority involved to 62729  
approve proposed divisions of parcels of land without plat under 62730  
this division. If an authority so amends its rules, it may approve 62731  
no more than five lots without a plat from an original tract as 62732  
that original tract exists on the effective date of the amendment 62733  
to the rules. The authority shall make the findings and approve a 62734  
proposed division in the time and manner specified in division (A) 62735  
of this section. 62736

(C) This section does not apply to parcels subject to section 62737  
711.133 of the Revised Code. 62738

(D) As used in this section, "business day" means a day of 62739  
the week excluding Saturday, Sunday, or a legal holiday as defined 62740  
in section 1.14 of the Revised Code. 62741

Sec. 3718.022. Notwithstanding any provision in this chapter 62742  
to the contrary, in adopting rules under division (A) of section 62743  
3718.02 of the Revised Code, the public health council shall 62744  
consider the economic impact of the rules on property owners, the 62745  
state of available technology, and the nature and economics of the 62746  
available alternatives. 62747

**Sec. 4736.01.** As used in this chapter: 62748

(A) "Environmental health science" means the aspect of public 62749  
health science that includes, but is not limited to, the following 62750  
bodies of knowledge: air quality, food quality and protection, 62751  
hazardous and toxic substances, consumer product safety, housing, 62752  
institutional health and safety, community noise control, 62753  
radiation protection, recreational facilities, solid and liquid 62754  
waste management, vector control, drinking water quality, milk 62755  
sanitation, and rabies control. 62756

(B) "Sanitarian" means a person who performs for compensation 62757  
educational, investigational, technical, or administrative duties 62758  
requiring specialized knowledge and skills in the field of 62759  
environmental health science. 62760

(C) "Registered sanitarian" means a person who is registered 62761  
as a sanitarian in accordance with this chapter. 62762

(D) "Sanitarian-in-training" means a person who is registered 62763  
as a sanitarian-in-training in accordance with this chapter. 62764

(E) "Practice of environmental health" means consultation, 62765

instruction, investigation, inspection, or evaluation by an 62766  
employee of a city health district, a general health district, the 62767  
environmental protection agency, the department of health, or the 62768  
department of agriculture requiring specialized knowledge, 62769  
training, and experience in the field of environmental health 62770  
science, with the primary purpose of improving or conducting 62771  
administration or enforcement under any of the following: 62772

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 62773  
3733. of the Revised Code; 62774

(2) Chapter 3734. of the Revised Code as it pertains to solid 62775  
waste; 62776

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 62777  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 62778

(4) Rules adopted under section 3701.34 of the Revised Code 62779  
pertaining to ~~home sewage~~, rabies control, or swimming pools; 62780

(5) Rules adopted under section 3701.935 of the Revised Code 62781  
for school health and safety network inspections and rules adopted 62782  
under section 3707.26 of the Revised Code for sanitary 62783  
inspections. 62784

"Practice of environmental health" does not include sampling, 62785  
testing, controlling of vectors, reporting of observations, or 62786  
other duties that do not require application of specialized 62787  
knowledge and skills in environmental health science performed 62788  
under the supervision of a registered sanitarian. 62789

The state board of sanitarian registration may further define 62790  
environmental health science in relation to specific functions in 62791  
the practice of environmental health through rules adopted by the 62792  
board under Chapter 119. of the Revised Code. 62793

**Sec. 6111.04.** (A) Both of the following apply except as 62794  
otherwise provided in division (A) or (F) of this section: 62795



(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. 62796  
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(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance. 62800  
62801

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. 62802  
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(B) If the director of environmental protection administers a sludge management program pursuant to division (S) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section: 62809  
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62811  
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(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials. 62813  
62814  
62815

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance. 62816  
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Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. 62818  
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(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, 62824  
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62826

or other wastes in excess of the permissive discharges specified 62827  
under an existing permit without first receiving a permit from the 62828  
director to do so. 62829

(D) No person to whom a sludge management permit has been 62830  
issued shall place on the land or release into the air of the 62831  
state any sludge or sludge materials in excess of the permissive 62832  
amounts specified under the existing sludge management permit 62833  
without first receiving a modification of the existing sludge 62834  
management permit or a new sludge management permit to do so from 62835  
the director. 62836

(E) The director may require the submission of plans, 62837  
specifications, and other information that the director considers 62838  
relevant in connection with the issuance of permits. 62839

(F) This section does not apply to any of the following: 62840

(1) Waters used in washing sand, gravel, other aggregates, or 62841  
mineral products when the washing and the ultimate disposal of the 62842  
water used in the washing, including any sewage, industrial waste, 62843  
or other wastes contained in the waters, are entirely confined to 62844  
the land under the control of the person engaged in the recovery 62845  
and processing of the sand, gravel, other aggregates, or mineral 62846  
products and do not result in the pollution of waters of the 62847  
state; 62848

(2) Water, gas, or other material injected into a well to 62849  
facilitate, or that is incidental to, the production of oil, gas, 62850  
artificial brine, or water derived in association with oil or gas 62851  
production and disposed of in a well, in compliance with a permit 62852  
issued under Chapter 1509. of the Revised Code, or sewage, 62853  
industrial waste, or other wastes injected into a well in 62854  
compliance with an injection well operating permit. Division 62855

(F)(2) of this section does not authorize, without a permit, any 62856  
discharge that is prohibited by, or for which a permit is required 62857

by, regulation of the United States environmental protection 62858  
agency. 62859

(3) Application of any materials to land for agricultural 62860  
purposes or runoff of the materials from that application or 62861  
pollution by animal waste or soil sediment, including attached 62862  
substances, resulting from farming, silvicultural, or earthmoving 62863  
activities regulated by Chapter 307. or 1511. of the Revised Code. 62864  
Division (F)(3) of this section does not authorize, without a 62865  
permit, any discharge that is prohibited by, or for which a permit 62866  
is required by, the Federal Water Pollution Control Act or 62867  
regulations adopted under it. 62868

(4) The excrement of domestic and farm animals defecated on 62869  
land or runoff therefrom into any waters of the state. Division 62870  
(F)(4) of this section does not authorize, without a permit, any 62871  
discharge that is prohibited by, or for which a permit is required 62872  
by, the Federal Water Pollution Control Act or regulations adopted 62873  
under it. 62874

(5) On and after the date on which the United States 62875  
environmental protection agency approves the NPDES program 62876  
submitted by the director of agriculture under section 903.08 of 62877  
the Revised Code, any discharge that is within the scope of the 62878  
approved NPDES program submitted by the director of agriculture; 62879

(6) The discharge of sewage, industrial waste, or other 62880  
wastes into a sewerage system tributary to a treatment works. 62881  
Division (F)(6) of this section does not authorize any discharge 62882  
into a publicly owned treatment works in violation of a 62883  
pretreatment program applicable to the publicly owned treatment 62884  
works. 62885

(7) ~~Septic tanks or other disposal systems for the disposal~~ 62886  
~~or treatment of sewage from single family, two family, or~~ 62887  
~~three family dwellings~~ A household sewage treatment system or a 62888

small flow on-site sewage treatment system, as applicable, as 62889  
defined in section 3718.01 of the Revised Code that is installed 62890  
in compliance with ~~the sanitary code and section 3707.01~~ Chapter 62891  
3718. of the Revised Code and rules adopted under it. Division 62892  
(F)(7) of this section does not authorize, without a permit, any 62893  
discharge that is prohibited by, or for which a permit is required 62894  
by, regulation of the United States environmental protection 62895  
agency. 62896

(8) Exceptional quality sludge generated outside of this 62897  
state and contained in bags or other containers not greater than 62898  
one hundred pounds in capacity. As used in division (F)(8) of this 62899  
section, "exceptional quality sludge" has the same meaning as in 62900  
division (Y) of section 3745.11 of the Revised Code. 62901

(G) The holder of a permit issued under section 402 (a) of 62902  
the Federal Water Pollution Control Act need not obtain a permit 62903  
for a discharge authorized by the permit until its expiration 62904  
date. Except as otherwise provided in this division, the director 62905  
of environmental protection shall administer and enforce those 62906  
permits within this state and may modify their terms and 62907  
conditions in accordance with division (J) of section 6111.03 of 62908  
the Revised Code. On and after the date on which the United States 62909  
environmental protection agency approves the NPDES program 62910  
submitted by the director of agriculture under section 903.08 of 62911  
the Revised Code, the director of agriculture shall administer and 62912  
enforce those permits within this state that are issued for any 62913  
discharge that is within the scope of the approved NPDES program 62914  
submitted by the director of agriculture. 62915

**Sec. 6111.44.** (A) Except as otherwise provided in division 62916  
(B) of this section, in section 6111.14 of the Revised Code, or in 62917  
rules adopted under division (G) of section 6111.03 of the Revised 62918  
Code, no municipal corporation, county, public institution, 62919

corporation, or officer or employee thereof or other person shall 62920  
provide or install sewerage or treatment works for sewage, sludge, 62921  
or sludge materials disposal or treatment or make a change in any 62922  
sewerage or treatment works until the plans therefor have been 62923  
submitted to and approved by the director of environmental 62924  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 62925  
to sewerage and treatment works of a municipal corporation or part 62926  
thereof, an unincorporated community, a county sewer district, or 62927  
other land outside of a municipal corporation or any publicly or 62928  
privately owned building or group of buildings or place, used for 62929  
the assemblage, entertainment, recreation, education, correction, 62930  
hospitalization, housing, or employment of persons. 62931

In granting an approval, the director may stipulate 62932  
modifications, conditions, and rules that the public health and 62933  
prevention of pollution may require. Any action taken by the 62934  
director shall be a matter of public record and shall be entered 62935  
in the director's journal. Each period of thirty days that a 62936  
violation of this section continues, after a conviction for the 62937  
violation, constitutes a separate offense. 62938

(B) Sections 6111.45 and 6111.46 of the Revised Code and 62939  
division (A) of this section do not apply to any of the following: 62940

(1) Sewerage or treatment works for sewage installed or to be 62941  
installed for the use of a private residence or dwelling; 62942

(2) Sewerage systems, treatment works, or disposal systems 62943  
for storm water from an animal feeding facility or manure, as 62944  
"animal feeding facility" and "manure" are defined in section 62945  
903.01 of the Revised Code; 62946

(3) Animal waste treatment or disposal works and related 62947  
management and conservation practices that are subject to rules 62948  
adopted under division (E)(2) of section 1511.02 of the Revised 62949  
Code; 62950

(4) Sewerage or treatment works for the on-lot disposal or treatment of sewage from a small flow on-site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

**Section 120.04.** That existing sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code are hereby repealed.

**Section 120.05.** Sections 120.03 and 120.04 take effect on July 1, 2009.

**Section 130.01.** As is more completely explained in Sections 130.02 and 130.03 that follow, this act, pursuant to Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms and orders implementation of the amendments and the enactment referred to in Section 611.03, the taking effect of which amendments and enactment by Am. Sub. H.B. 66 was postponed in whole or in part by Section 611.03 pending this confirmation and order.

**Section 130.02.** (A)(1) Sections 3111.19, 3313.12, and 4117.08 62980  
of the Revised Code are presented in division (B) of this section 62981  
solely for the purpose of confirming the sections and ordering 62982  
their implementation as they result from Am. Sub. H.B. 66 of the 62983  
126th General Assembly. No other action is being taken with regard 62984  
to these sections. 62985

(2) Section 9.833 of the Revised Code is presented in 62986  
division (B) of this section for the purpose of confirming the 62987  
section and ordering its implementation as it results from Am. 62988  
Sub. H.B. 46 and Am. Sub. H.B. 66, both of the 126th General 62989  
Assembly, and of amending the section to read as directed by this 62990  
act. Section 9.90 of the Revised Code is presented in division (B) 62991  
of this section for the purposes of confirming the section and 62992  
ordering its implementation as it results from Am. Sub. H.B. 66 62993  
and Sub. H.B. 193 of the 126th General Assembly and of amending 62994  
the section to read as directed by this act. Section 9.901 of the 62995  
Revised Code is presented in division (B) of this section for the 62996  
purposes of confirming the section and ordering its complete 62997  
implementation as it results from Am. Sub. H.B. 66 of the 126th 62998  
General Assembly and as it was subsequently amended by Am. Sub. 62999  
H.B. 530 of the 126th General Assembly and of amending the section 63000  
to read as directed by this act. Sections 3313.202, 3313.33, and 63001  
4117.03 of the Revised Code are presented in division (B) of this 63002  
section for the purposes of confirming the sections and ordering 63003  
their implementation as they result from Am. Sub. H.B. 66 of the 63004  
126th General Assembly and of amending the sections to read as 63005  
directed by this act. 63006

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 63007  
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 63008  
this division as explained in divisions (A)(1) and (2) of this 63009  
section: 63010

Sec. 9.833. (A) As used in this section, "political 63011  
subdivision" means a municipal corporation, township, county, or 63012  
other body corporate and politic responsible for governmental 63013  
activities in a geographic area smaller than that of the state, 63014  
and agencies and instrumentalities of these entities. ~~For purposes~~ 63015  
~~of this section, a school district is not a "political~~ 63016  
~~subdivision."~~ 63017

(B) Political subdivisions that provide health care benefits 63018  
for their officers or employees may do any of the following: 63019

(1) Establish and maintain an individual self-insurance 63020  
program with public moneys to provide authorized health care 63021  
benefits, including but not limited to, health care, prescription 63022  
drugs, dental care, and vision care, in accordance with division 63023  
(C) of this section; 63024

(2) Establish and maintain a health savings account program 63025  
whereby employees or officers may establish and maintain health 63026  
savings accounts in accordance with section 223 of the Internal 63027  
Revenue Code. Public moneys may be used to pay for or fund 63028  
federally qualified high deductible health plans that are linked 63029  
to health savings accounts or to make contributions to health 63030  
savings accounts. A health savings account program may be a part 63031  
of a self-insurance program. 63032

(3) After establishing an individual self-insurance program, 63033  
agree with other political subdivisions that have established 63034  
individual self-insurance programs for health care benefits, that 63035  
their programs will be jointly administered in a manner specified 63036  
in the agreement; 63037

(4) Pursuant to a written agreement and in accordance with 63038  
division (C) of this section, join in any combination with other 63039  
political subdivisions to establish and maintain a joint 63040  
self-insurance program to provide health care benefits; 63041



(5) Pursuant to a written agreement, join in any combination with other political subdivisions to procure or contract for policies, contracts, or plans of insurance to provide health care benefits, which may include a health savings account program, for their officers and employees subject to the agreement;

(6) Use in any combination any of the policies, contracts, plans, or programs authorized under this division.

(C) Except as otherwise provided in division (E) of this section, the following apply to individual or joint self-insurance programs established pursuant to this section:

(1) Such funds shall be reserved as are necessary, in the exercise of sound and prudent actuarial judgment, to cover potential cost of health care benefits for the officers and employees of the political subdivision. A report of amounts so reserved and disbursements made from such funds, together with a written report of a member of the American academy of actuaries certifying whether the amounts reserved conform to the requirements of this division, are computed in accordance with accepted loss reserving standards, and are fairly stated in accordance with sound loss reserving principles, shall be prepared and maintained, within ninety days after the last day of the fiscal year of the entity for which the report is provided for that fiscal year, in the office of the program administrator described in division (C)(3) of this section.

The report required by division (C)(1) of this section shall include, but not be limited to, disbursements made for the administration of the program, including claims paid, costs of the legal representation of political subdivisions and employees, and fees paid to consultants.

The program administrator described in division (C)(3) of this section shall make the report required by this division

available for inspection by any person at all reasonable times 63073  
during regular business hours, and, upon the request of such 63074  
person, shall make copies of the report available at cost within a 63075  
reasonable period of time. 63076

(2) Each political subdivision shall reserve funds necessary 63077  
for an individual or joint self-insurance program in a special 63078  
fund that may be established for political subdivisions other than 63079  
an agency or instrumentality pursuant to an ordinance or 63080  
resolution of the political subdivision and not subject to section 63081  
5705.12 of the Revised Code. An agency or instrumentality shall 63082  
reserve the funds necessary for an individual or joint 63083  
self-insurance program in a special fund established pursuant to a 63084  
resolution duly adopted by the agency's or instrumentality's 63085  
governing board. The political subdivision may allocate the costs 63086  
of insurance or any self-insurance program, or both, among the 63087  
funds or accounts established under this division on the basis of 63088  
relative exposure and loss experience. 63089

(3) A contract may be awarded, without the necessity of 63090  
competitive bidding, to any person, political subdivision, 63091  
nonprofit corporation organized under Chapter 1702. of the Revised 63092  
Code, or regional council of governments created under Chapter 63093  
167. of the Revised Code for purposes of administration of an 63094  
individual or joint self-insurance program. No such contract shall 63095  
be entered into without full, prior, public disclosure of all 63096  
terms and conditions. The disclosure shall include, at a minimum, 63097  
a statement listing all representations made in connection with 63098  
any possible savings and losses resulting from the contract, and 63099  
potential liability of any political subdivision or employee. The 63100  
proposed contract and statement shall be disclosed and presented 63101  
at a meeting of the political subdivision not less than one week 63102  
prior to the meeting at which the political subdivision authorizes 63103  
the contract. 63104

A contract awarded to a nonprofit corporation or a regional council of governments under this division may provide that all employees of the nonprofit corporation or regional council of governments and the employees of all entities related to the nonprofit corporation or regional council of governments may be covered by the individual or joint self-insurance program under the terms and conditions set forth in the contract.

(4) The individual or joint self-insurance program shall include a contract with a member of the American academy of actuaries for the preparation of the written evaluation of the reserve funds required under division (C)(1) of this section.

(5) A joint self-insurance program may allocate the costs of funding the program among the funds or accounts established under this division to the participating political subdivisions on the basis of their relative exposure and loss experience.

(6) An individual self-insurance program may allocate the costs of funding the program among the funds or accounts established under this division to the political subdivision that established the program.

(7) Two or more political subdivisions may also authorize the establishment and maintenance of a joint health care cost containment program, including, but not limited to, the employment of risk managers, health care cost containment specialists, and consultants, for the purpose of preventing and reducing health care costs covered by insurance, individual self-insurance, or joint self-insurance programs.

(8) A political subdivision is not liable under a joint self-insurance program for any amount in excess of amounts payable pursuant to the written agreement for the participation of the political subdivision in the joint self-insurance program. Under a joint self-insurance program agreement, a political subdivision

may, to the extent permitted under the written agreement, assume 63136  
the risks of any other political subdivision. A joint 63137  
self-insurance program established under this section is deemed a 63138  
separate legal entity for the public purpose of enabling the 63139  
members of the joint self-insurance program to obtain insurance or 63140  
to provide for a formalized, jointly administered self-insurance 63141  
fund for its members. An entity created pursuant to this section 63142  
is exempt from all state and local taxes. 63143

(9) Any political subdivision, other than an agency or 63144  
instrumentality, may issue general obligation bonds, or special 63145  
obligation bonds that are not payable from real or personal 63146  
property taxes, and may also issue notes in anticipation of such 63147  
bonds, pursuant to an ordinance or resolution of its legislative 63148  
authority or other governing body for the purpose of providing 63149  
funds to pay expenses associated with the settlement of claims, 63150  
whether by way of a reserve or otherwise, and to pay the political 63151  
subdivision's portion of the cost of establishing and maintaining 63152  
an individual or joint self-insurance program or to provide for 63153  
the reserve in the special fund authorized by division (C)(2) of 63154  
this section. 63155

In its ordinance or resolution authorizing bonds or notes 63156  
under this section, a political subdivision may elect to issue 63157  
such bonds or notes under the procedures set forth in Chapter 133. 63158  
of the Revised Code. In the event of such an election, 63159  
notwithstanding Chapter 133. of the Revised Code, the maturity of 63160  
the bonds may be for any period authorized in the ordinance or 63161  
resolution not exceeding twenty years, which period shall be the 63162  
maximum maturity of the bonds for purposes of section 133.22 of 63163  
the Revised Code. 63164

Bonds and notes issued under this section shall not be 63165  
considered in calculating the net indebtedness of the political 63166  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 63167

the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 63168  
hereby made applicable to bonds or notes authorized under this 63169  
section. 63170

(10) A joint self-insurance program is not an insurance 63171  
company. Its operation does not constitute doing an insurance 63172  
business and is not subject to the insurance laws of this state. 63173

(D) A political subdivision may procure group life insurance 63174  
for its employees in conjunction with an individual or joint 63175  
self-insurance program authorized by this section, provided that 63176  
the policy of group life insurance is not self-insured. 63177

(E) Divisions (C)(1), (2), and (4) of this section do not 63178  
apply to individual self-insurance programs in municipal 63179  
corporations, townships, or counties. 63180

(F) A public official or employee of a political subdivision 63181  
who is or becomes a member of the governing body of the program 63182  
administrator of a joint self-insurance program in which the 63183  
political subdivision participates is not in violation of division 63184  
(D) or (E) of section 102.03, division (C) of section 102.04, or 63185  
section 2921.42 of the Revised Code as a result of either of the 63186  
following: 63187

(1) The political subdivision's entering under this section 63188  
into the written agreement to participate in the joint 63189  
self-insurance program; 63190

(2) The political subdivision's entering under this section 63191  
into any other contract with the joint self-insurance program. 63192

**Sec. 9.90.** (A) The governing board of any public institution 63193  
of higher education, including without limitation state 63194  
universities and colleges, community college districts, university 63195  
branch districts, technical college districts, and municipal 63196  
universities, may, in addition to all other powers provided in the 63197

Revised Code: 63198

(1) Contract for, purchase, or otherwise procure from an 63199  
insurer or insurers licensed to do business by the state of Ohio 63200  
for or on behalf of such of its employees as it may determine, 63201  
life insurance, or sickness, accident, annuity, endowment, health, 63202  
medical, hospital, dental, or surgical coverage and benefits, or 63203  
any combination thereof, by means of insurance plans or other 63204  
types of coverage, family, group or otherwise, and may pay from 63205  
funds under its control and available for such purpose all or any 63206  
portion of the cost, premium, or charge for such insurance, 63207  
coverage, or benefits. However, the governing board, in addition 63208  
to or as an alternative to the authority otherwise granted by 63209  
division (A)(1) of this section, may elect to procure coverage for 63210  
health care services, for or on behalf of such of its employees as 63211  
it may determine, by means of policies, contracts, certificates, 63212  
or agreements issued by at least two health insuring corporations 63213  
holding a certificate of authority under Chapter 1751. of the 63214  
Revised Code and may pay from funds under the governing board's 63215  
control and available for such purpose all or any portion of the 63216  
cost of such coverage. 63217

(2) Make payments to a custodial account for investment in 63218  
regulated investment company stock for the purpose of providing 63219  
retirement benefits as described in section 403(b)(7) of the 63220  
Internal Revenue Code of 1954, as amended. Such stock shall be 63221  
purchased only from persons authorized to sell such stock in this 63222  
state. 63223

Any income of an employee deferred under divisions (A)(1) and 63224  
(2) of this section in a deferred compensation program eligible 63225  
for favorable tax treatment under the Internal Revenue Code of 63226  
1954, as amended, shall continue to be included as regular 63227  
compensation for the purpose of computing the contributions to and 63228  
benefits from the retirement system of such employee. Any sum so 63229

deferred shall not be included in the computation of any federal 63230  
and state income taxes withheld on behalf of any such employee. 63231

(B) All or any portion of the cost, premium, or charge 63232  
therefor may be paid in such other manner or combination of 63233  
manners as the governing board may determine, including direct 63234  
payment by the employee in cases under division (A)(1) of this 63235  
section, and, if authorized in writing by the employee in cases 63236  
under division (A)(1) or (2) of this section, by such governing 63237  
board with moneys made available by deduction from or reduction in 63238  
salary or wages or by the foregoing of a salary or wage increase. 63239  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 63240  
shall prohibit the issuance or purchase of group life insurance 63241  
authorized by this section by reason of payment of premiums 63242  
therefor by the governing board from its funds, and such group 63243  
life insurance may be so issued and purchased if otherwise 63244  
consistent with the provisions of sections 3917.01 to 3917.07 of 63245  
the Revised Code. 63246

(C) The board of education of any school district may 63247  
exercise any of the powers granted to the governing boards of 63248  
public institutions of higher education under divisions (A) and 63249  
(B) of this section, except in relation to the provision of health 63250  
care benefits to employees. All health care benefits provided to 63251  
persons employed by the public schools of this state shall be 63252  
~~medical health care plans designed that contain best practices~~ 63253  
established by the school employees health care board pursuant to 63254  
section 9.901 of the Revised Code. 63255

**Sec. 9.901.** (A)(1) All health care benefits provided to 63256  
persons employed by the public ~~schools~~ school districts of this 63257  
state shall be provided by ~~medical health care plans designed that~~ 63258  
contain best practices established pursuant to this section by the 63259  
school employees health care board. ~~The board, in consultation~~ 63260

~~with the superintendent of insurance, shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state for the issuance of the plans. Twelve months after the release of best practices by the board all policies or contracts for health care benefits provided to public school district employees that are issued or renewed after the expiration of any applicable collective bargaining agreement must contain best practices established pursuant to this section by the board. Any or all of the medical health care plans designed that contain best practices specified by the board may be self-insured. All self-insured plans adopted shall be administered by the board in accordance with this section. As used in this section, a "public school district" means a school in a city, local, exempted village, or joint vocational school district, and includes the educational service centers associated with those schools districts but not charter schools.~~

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

~~(3) The board shall develop a request for proposals and solicit bids for medical plans for the school districts in a region similar to the existing plans. The board shall also determine the benefits offered by existing medical plans, the employees' costs, and the cost sharing arrangements used by public schools participating in a consortium. The board shall determine~~



~~what strategies are used by the existing medical plans to manage~~ 63293  
~~health care costs and shall study the potential benefits of state~~ 63294  
~~or regional consortiums of public schools offering multiple health~~ 63295  
~~care plans.~~ 63296

~~(4) As used in this section, a:~~ 63297

(a) A "medical health care plan" includes group policies, 63298  
contracts, and agreements that provide hospital, surgical, or 63299  
medical expense coverage, including self-insured plans. A "medical 63300  
health care plan" does not include an individual plan offered to 63301  
the employees of a public school district, or a plan that provides 63302  
coverage only for dental services, vision services, specific 63303  
disease or accidents, or a hospital indemnity, medicare 63304  
supplement, or other plan including a group voluntary plan that 63305  
provides only supplemental benefits, paid for by the employees of 63306  
a public school district. 63307

(b) A "health plan sponsor" means a public school district, a 63308  
consortium of public school districts, or a council of 63309  
governments. 63310

(B) The school employees health care board is hereby created. 63311  
The school employees health care board shall consist of the 63312  
following ~~nine~~ twelve members and shall include individuals with 63313  
experience with public school district benefit programs, health 63314  
care industry providers, and ~~medical~~ health care plan 63315  
beneficiaries: 63316

(1) ~~Three~~ Four members appointed by the governor, one of whom 63317  
shall be representative of nonadministrative public school 63318  
district employees; 63319

(2) ~~Three~~ Four members appointed by the president of the 63320  
senate, one of whom shall be representative of nonadministrative 63321  
public school district employees; 63322

(3) ~~Three~~ Four members appointed by the speaker of the house 63323

of representatives, one of whom shall be representative of 63324  
nonadministrative public school district employees. 63325

A member of the school employees health care board shall not 63326  
be employed by, represent, or in any way be affiliated with a 63327  
private entity that is providing services to the board, an 63328  
individual school district, employers, or employees in the state 63329  
of Ohio. 63330

(C)(1) Members of the school employees health care board 63331  
shall serve four-year terms; ~~however, one of each of the initial~~ 63332  
~~members appointed under divisions (B)(1) to (3) of this section~~ 63333  
~~shall be appointed to a term of one year. The initial appointments~~ 63334  
~~under this section shall be made within forty five days after~~ 63335  
~~September 29, 2005, but may be reappointed, except as otherwise~~ 63336  
specified in division (B) of this section. 63337

~~Members' terms shall end on the twenty ninth day of~~ 63338  
~~September, but a~~ A member shall continue to serve subsequent to 63339  
the expiration of the member's term until a successor is 63340  
appointed. Any vacancy occurring during a member's term shall be 63341  
filled in the same manner as the original appointment, except that 63342  
the person appointed to fill the vacancy shall be appointed to the 63343  
remainder of the unexpired term. 63344

(2) Members shall ~~serve without~~ receive compensation ~~but~~ 63345  
fixed pursuant to division (J) of section 124.15 of the Revised 63346  
Code and shall be reimbursed from the school employees health care 63347  
fund for actual and necessary expenses incurred in the performance 63348  
of their official duties as members of the board. 63349

(3) Members may be removed by their appointing authority for 63350  
misfeasance, malfeasance, incompetence, dereliction of duty, or 63351  
other just cause. 63352

(D)(1) ~~The governor shall call the first meeting of the~~ 63353  
~~school employees health care board. At that meeting, and annually~~ 63354

~~thereafter~~ At the first meeting of the board after the first day 63355  
of January of each calendar year, the board shall elect a 63356  
chairperson and may elect members to other positions on the board 63357  
as the board considers necessary or appropriate. The board shall 63358  
meet at least ~~four~~ nine times each calendar year and shall also 63359  
meet at the call of the chairperson or ~~three~~ four or more board 63360  
members. The chairperson shall provide reasonable advance notice 63361  
of the time and place of board meetings to all members. 63362

(2) A majority of the board constitutes a quorum for the 63363  
transaction of business at a board meeting. A majority vote of the 63364  
members present is necessary for official action. 63365

(E) The school employees health care board shall conduct its 63366  
business at open meetings; however, the records of the board are 63367  
not public records for purposes of section 149.43 of the Revised 63368  
Code. 63369

(F) The school employees health care fund is hereby created 63370  
in the state treasury. ~~The public schools shall pay all school~~ 63371  
~~employees health care board plan premiums in the manner prescribed~~ 63372  
~~by the school employees health care board to the board for deposit~~ 63373  
~~into the school employees health care fund. All~~ The board shall 63374  
use all funds in the school employees health care fund ~~shall be~~ 63375  
~~used solely for the provision of health care benefits to public~~ 63376  
~~schools employees pursuant to this section to carry out the~~ 63377  
provisions of this section and related administrative costs. 63378  
~~Premiums received by the board or insurance companies contracted~~ 63379  
~~pursuant to division (A) of this section are not subject to any~~ 63380  
~~state insurance premium tax.~~ 63381

(G) The school employees health care board shall do all of 63382  
the following: 63383

(1) ~~Design multiple medical plans, including regional plans,~~ 63384  
~~to provide, in the board's judgment, the optimal combination of~~ 63385

~~coverage, cost, choice, and stability of health cost benefits. The board may establish more than one tier of premium rates for any medical plan. The board shall establish regions as necessary for the implementation of the board's medical plans. Plans and premium rates may vary across the regions established by the board.~~

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

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

~~(4) Include disease management and consumer education programs, to the extent that the board determines is appropriate, in all medical plans designed by the board, which programs shall include, but are not limited to, wellness programs and other measures designed to encourage the wise use of medical plan coverage. These programs are not services or treatments for purposes of section 3901.71 of the Revised Code.~~

~~(5) Create and distribute to the governor, the speaker of the house of representatives, and the president of the senate, an annual report covering the plan background; plan coverage options; plan administration, including procedures for monitoring and managing objectives, scope, and methodology; plan operations; employee and employer contribution rates and the relationship between the rates and the school employees health care fund balance; a means to develop and maintain identity and evaluate alternative employee and employer cost sharing strategies; an evaluation of the effectiveness of cost saving services and programs; an evaluation of efforts to control and manage member eligibility and to insure that proper employee and employer contributions are remitted to the trust fund; efforts to prevent~~

~~and detect fraud; and efforts to manage and monitor board~~ 63418  
~~contracts; Adopt and release a set of standards that shall be~~ 63419  
~~considered the best practices to which public school districts~~ 63420  
~~shall adhere in the selection and implementation of health care~~ 63421  
~~plans. The standards developed by the board shall not duplicate or~~ 63422  
~~conflict with existing requirements with which health insuring~~ 63423  
~~corporations and sickness and accident insurers must comply~~ 63424  
~~pursuant to Chapters 1751. and 3923. of the Revised Code.~~ 63425

(2) Require that the plans the health plan sponsors 63426  
administer make readily available to the public all cost and 63427  
design elements of the plan; 63428

(3) Work with health plan sponsors through educational 63429  
outlets and consultation; 63430

(4) Maintain a commitment to transparency and public access 63431  
of its meetings and activity pursuant to division (E) of this 63432  
section; 63433

(5) Promote cooperation among all organizations affected by 63434  
this section in identifying the elements for the successful 63435  
implementation of this section; 63436

(6) Utilize Promote cost containment measures aligned with 63437  
patient, plan, and provider management strategies in developing 63438  
and managing ~~medical~~ health care plans; 63439

(7) Prepare and disseminate to the public an annual report on 63440  
the status of health plan sponsors' effectiveness in making 63441  
progress to reduce the rate of increase in insurance premiums and 63442  
employee out of pocket expenses, as well as progress in improving 63443  
the health status of school district employees and their families. 63444

(H) The sections in Chapter 3923. of the Revised Code 63445  
regulating public employee benefit plans are not applicable to the 63446  
~~medical~~ health care plans designed pursuant to this section. 63447

~~(1) Public schools are not subject to this section prior to the release of medical plans designed pursuant to this section.~~ 63448  
63449

~~(2) Prior to the school employees health care board's release of the board's initial medical plans, the The board ~~shall~~ may contract with ~~an~~ one or more independent ~~consultant~~ consultants to analyze costs related to employee health care benefits provided by existing public school district plans in this state. The ~~consultant shall determine~~ consultants may evaluate the benefits offered by existing ~~medical~~ health care plans, the employees' costs, and the cost-sharing arrangements used by public ~~schools~~ school districts either participating in a consortium or by other means. The ~~consultant shall determine~~ consultants may evaluate what strategies are used by the existing ~~medical~~ health care 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.~~ Based on the findings of the analysis, the ~~consultant shall~~ consultants may submit written recommendations to the board for the development and implementation of a successful ~~program~~ best practices and programs for ~~pooling~~ improving school districts' ~~purchasing power for the acquisition of employee medical~~ health care plans. The ~~consultant's recommendations shall address, at a minimum, all of the following issues:~~~~

~~(a) The establishment of regions for the provision of medical plans, based on the availability of providers and plans in the state at the time that the school employees health care board is established;~~ 63471  
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~~(b) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative medical plans, to stabilize both costs and the premiums charged school districts and district employees;~~ 63475  
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~~(c) The development of a system to obtain eligibility data~~ 63479

<del>and data compiled pursuant to the "Consolidated Omnibus Budget</del>	63480
<del>Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C.</del>	63481
<del>1161, as amended;</del>	63482
<del>(d) The use of the competitive bidding process for regional</del>	63483
<del>medical plans;</del>	63484
<del>(e) The development of a timeline planning for the design and</del>	63485
<del>use of board medical plans by not later than December 31, 2007;</del>	63486
<del>(f) The use of information on claims and costs and of</del>	63487
<del>information reported by districts pursuant to COBRA in analyzing</del>	63488
<del>administrative and premium costs;</del>	63489
<del>(g) The experience of states that have mandated statewide</del>	63490
<del>medical plans for public school employees, including the</del>	63491
<del>implementation strategies used by those states;</del>	63492
<del>(h) Recommended strategies for the use of first-year roll-in</del>	63493
<del>premiums in the transition from district medical plans to school</del>	63494
<del>employees health care board plans;</del>	63495
<del>(i) The option of allowing school districts to join an</del>	63496
<del>existing regional consortium as an alternative to school employees</del>	63497
<del>health care board plans;</del>	63498
<del>(j) Mandatory and optional coverages to be offered by the</del>	63499
<del>board's medical plans;</del>	63500
<del>(k) Potential risks to the state from the use of medical</del>	63501
<del>plans developed pursuant to this section;</del>	63502
<del>(l) Any legislation needed to ensure the long-term financial</del>	63503
<del>solvency and stability of a health care purchasing system;</del>	63504
<del>(m) The potential impacts of any changes to the existing</del>	63505
<del>purchasing structure on all of the following:</del>	63506
<del>(i) Existing health care pooling and consortiums;</del>	63507
<del>(ii) School district employees;</del>	63508

<del>(iii) Individual school districts.</del>	63509
<del>(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;</del>	63510 63511 63512
<del>(o) Strategies available to the board in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;</del>	63513 63514 63515
<del>(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.</del>	63516 63517 63518 63519 63520 63521
<del>(3)(J) 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 <u>either</u> a health insuring corporation, <u>a sickness and accident insurer, or a third party administrator</u> licensed to do business in Ohio and recommended by the Ohio association of health plans. The initial appointees shall <del>be</del> appointed to a one year term not later than July 31, 2007, the members' term to begin on that date. Subsequent <u>serve until December 31, 2007; subsequent</u> one-year appointments, to commence on the <del>thirty first day of July</del> <u>first day of January</u> of each year</del>	63522 63523 63524 63525 63526 63527 63528 63529 63530 63531 63532 63533 63534 63535 63536 63537 63538 63539 63540



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

~~(4) The school employees health care board shall submit a  
written study to the governor and the general assembly not later  
than January 31, 2007, of a plan to operate in compliance with  
this section, and on the governance of the school employees health  
care board. A copy of the board's plan of operation, including  
audit provisions, shall accompany the report on the board's  
governance and the report shall include the board's  
recommendations on any legislation needed to enforce the  
recommendations of the board on implementing the provisions of  
this section.~~

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

~~January 1, 2005, may request permission from the school employees 63573  
health care board to continue offering consortium plans to the 63574  
districts' employees at the discretion of the board. If the board 63575  
grants permission, the permission is valid for only one year but 63576  
may be renewed annually thereafter upon application to an approval 63577  
of the board. The board shall grant initial or continued approval 63578  
upon finding, based on an actuarial evaluation of the existing 63579  
consortium plan offerings, that benefit design, premium costs, 63580  
administrative cost, and other factors considered by the board are 63581  
equivalent to or lower than comparable costs of the board's plan 63582  
options offered to the local district. Age and gender adjustments, 63583  
benefit comparison adjustments, and the total cost of the 63584  
consortium plan, including administration, benefit cost, stop loss 63585  
insurance, and all other expenses or information requested by the 63586  
board shall be presented to the board prior to the board's 63587  
decision to allow a local district to continue to offer health 63588  
care benefits under a consortium plan. A district shall not 63589  
participate in the consortium plan once the district has chosen to 63590  
offer plans designed by the board to the district's employees and 63591  
begins premium payments for deposit into the school employees 63592  
health care fund. 63593~~

~~(6)(K) The board may adopt rules for the enforcement of 63594  
health plan sponsors' compliance with the best practices standards 63595  
adopted by the board pursuant to this section. 63596~~

~~(L) Any districts providing ~~medical~~ health care plan coverage 63597  
for the employees of public schools, or that have provided 63598  
coverage within two years prior to September 29, 2005, school 63599  
districts shall provide nonidentifiable aggregate claims data for 63600  
the coverage to the school employees health care board ~~or the~~ 63601  
~~department of administrative services~~, without charge, within 63602  
~~thirty~~ sixty days after receiving a written request from the board 63603  
~~or the department~~. The claims data shall include data relating to 63604~~

employee group benefit sets, demographics, and claims experience. 63605

~~(J)~~(M)(1) The school employees health care board may contract 63606  
with other state agencies for services as the board deems 63607  
necessary for the implementation and operation of this section, 63608  
based on demonstrated experience and expertise in administration, 63609  
management, data handling, actuarial studies, quality assurance, 63610  
or for other needed services. The school employees health care 63611  
board ~~shall~~ may contract with the department of administrative 63612  
services for central services until such time the board ~~is~~ deems 63613  
itself able to obtain such services from its own staff or from 63614  
other sources. The board shall reimburse the department of 63615  
administrative services for the reasonable cost of those services. 63616

~~(K) The board's administrative functions shall include, but 63617  
are not limited to, the following:~~ 63618

~~(1) Maintaining reserves in the school employees health care 63619  
fund, reinsurance, and other measures that in the judgment of the 63620  
board will result in the long term stability and solvency of the 63621  
medical plans designed by the board. The board shall bill school 63622  
districts, in proportion to a district's premium payments to all 63623  
premium payments paid into the school employees health care fund 63624  
during the previous year, in order to maintain necessary reserves, 63625  
reinsurance, and administrative and operating funds. Each school 63626  
district contributing to a board medical plan shall share any 63627  
losses due to the expense of claims paid by the plan. In the event 63628  
of a loss, the board may bill each district an amount, in 63629  
proportion to the district's premium payments to all premium 63630  
payments paid into the school employees health care fund during 63631  
the previous year, sufficient in total to cover the loss. The 63632  
state is not liable for any obligations of the school employees 63633  
health care board or the school employees health care fund, or for 63634  
expenses of public schools or school districts related to the 63635  
board's medical plans.~~ 63636

~~(2) Providing health care information, wellness programs, and other preventive health care measures to medical plan beneficiaries, to the extent that the board determines to be appropriate;~~ 63637  
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~~(3) Coordinating contracts for services related to the board's medical plans. Contracts shall be approved by the school employees health care board.~~ 63641  
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63643

~~(L)(2) The board shall hire staff as necessary to provide administrative support to the board and the public school employee health care plan program established by this section.~~ 63644  
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~~(N) Not less more than ninety days before coverage begins for public school district employees under medical health care plans designed by containing best practices prescribed by the school employees health care board, a public school district's board of education shall provide detailed information about the medical health care plans to the employees.~~ 63647  
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~~(M)(O) Nothing in this section shall be construed as prohibiting public schools or school districts from consulting with and compensating insurance agents and brokers for professional services.~~ 63653  
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63656

~~(N) The department of administrative services shall report to the governor, the speaker of the house of representatives, and the president of the senate not later than April 30, 2007, on the feasibility of achieving all of the following:~~ 63657  
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63660

~~(1) Designing multiple medical plans to cover persons employed by public institutions of higher education that achieve an optimal combination of coverage, cost, choice, and stability, which plans include both state and regional preferred provider plans, set employee and employer premiums, and set employee plan copayments, deductibles, exclusions, limitations, formularies, and other responsibilities. For this purpose, "public institutions of~~ 63661  
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~~higher education" include, without limitation, state universities 63668  
and colleges, state community college districts, community college 63669  
districts, university branch districts, technical college 63670  
districts, and municipal universities. 63671~~

~~(2) Maintaining reserves, reinsurance, and other measures to 63672  
insure the long term stability and solvency of the medical plans; 63673~~

~~(3) Providing appropriate health care information, wellness 63674  
programs, and other preventive health care measures to medical 63675  
plan beneficiaries; 63676~~

~~(4) Coordinating contracts for services related to the 63677  
medical plans. 63678~~

(P)(1) Pursuant to Chapter 117. of the Revised Code, the 63679  
auditor of state shall conduct all necessary and required audits 63680  
of the board. The auditor of state, upon request, also shall 63681  
furnish to the board copies of audits of public school districts 63682  
or consortia performed by the auditor of state. 63683

(2) Annually, the superintendent of insurance shall evaluate 63684  
the performance of the school employee health care board best 63685  
practices during the previous year and submit the results in 63686  
writing to the governor and the general assembly. The 63687  
superintendent also shall include in the audit of the health care 63688  
plans of the health plan sponsors for which the superintendent has 63689  
jurisdiction for a determination of adherence to the best 63690  
practices established by the board. 63691

**Sec. 3311.19.** (A) The management and control of a joint 63692  
vocational school district shall be vested in the joint vocational 63693  
school district board of education. Where a joint vocational 63694  
school district is composed only of two or more local school 63695  
districts located in one county, or when all the participating 63696  
districts are in one county and the boards of such participating 63697

districts so choose, the educational service center governing 63698  
board of the county in which the joint vocational school district 63699  
is located shall serve as the joint vocational school district 63700  
board of education. Where a joint vocational school district is 63701  
composed of local school districts of more than one county, or of 63702  
any combination of city, local, or exempted village school 63703  
districts or educational service centers, unless administration by 63704  
the educational service center governing board has been chosen by 63705  
all the participating districts in one county pursuant to this 63706  
section, the board of education of the joint vocational school 63707  
district shall be composed of one or more persons who are members 63708  
of the boards of education from each of the city or exempted 63709  
village school districts or members of the educational service 63710  
centers' governing boards affected to be appointed by the boards 63711  
of education or governing boards of such school districts and 63712  
educational service centers. In such joint vocational school 63713  
districts the number and terms of members of the joint vocational 63714  
school district board of education and the allocation of a given 63715  
number of members to each of the city and exempted village 63716  
districts and educational service centers shall be determined in 63717  
the plan for such district, provided that each such joint 63718  
vocational school district board of education shall be composed of 63719  
an odd number of members. 63720

(B) Notwithstanding division (A) of this section, a governing 63721  
board of an educational service center that has members of its 63722  
governing board serving on a joint vocational school district 63723  
board of education may make a request to the joint vocational 63724  
district board that the joint vocational school district plan be 63725  
revised to provide for one or more members of boards of education 63726  
of local school districts that are within the territory of the 63727  
educational service district and within the joint vocational 63728  
school district to serve in the place of or in addition to its 63729  
educational service center governing board members. If agreement 63730

is obtained among a majority of the boards of education and 63731  
governing boards that have a member serving on the joint 63732  
vocational school district board of education and among a majority 63733  
of the local school district boards of education included in the 63734  
district and located within the territory of the educational 63735  
service center whose board requests the substitution or addition, 63736  
the state board of education may revise the joint vocational 63737  
school district plan to conform with such agreement. 63738

(C) If the board of education of any school district or 63739  
educational service center governing board included within a joint 63740  
vocational district that has had its board or governing board 63741  
membership revised under division (B) of this section requests the 63742  
joint vocational school district board to submit to the state 63743  
board of education a revised plan under which one or more joint 63744  
vocational board members chosen in accordance with a plan revised 63745  
under such division would again be chosen in the manner prescribed 63746  
by division (A) of this section, the joint vocational board shall 63747  
submit the revised plan to the state board of education, provided 63748  
the plan is agreed to by a majority of the boards of education 63749  
represented on the joint vocational board, a majority of the local 63750  
school district boards included within the joint vocational 63751  
district, and each educational service center governing board 63752  
affected by such plan. The state board of education may revise the 63753  
joint vocational school district plan to conform with the revised 63754  
plan. 63755

(D) The vocational schools in such joint vocational school 63756  
district shall be available to all youth of school age within the 63757  
joint vocational school district subject to the rules adopted by 63758  
the joint vocational school district board of education in regard 63759  
to the standards requisite to admission. A joint vocational school 63760  
district board of education shall have the same powers, duties, 63761  
and authority for the management and operation of such joint 63762

vocational school district as is granted by law, except by this 63763  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 63764  
Code, to a board of education of a city school district, and shall 63765  
be subject to all the provisions of law that apply to a city 63766  
school district, except such provisions in this chapter and 63767  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 63768

(E) Where a governing board of an educational service center 63769  
has been designated to serve as the joint vocational school 63770  
district board of education, the educational service center 63771  
superintendent shall be the executive officer for the joint 63772  
vocational school district, and the governing board may provide 63773  
for additional compensation to be paid to the educational service 63774  
center superintendent by the joint vocational school district, but 63775  
the educational service center superintendent shall have no 63776  
continuing tenure other than that of educational service center 63777  
superintendent. The superintendent of schools of a joint 63778  
vocational school district shall exercise the duties and authority 63779  
vested by law in a superintendent of schools pertaining to the 63780  
operation of a school district and the employment and supervision 63781  
of its personnel. The joint vocational school district board of 63782  
education shall appoint a treasurer of the joint vocational school 63783  
district who shall be the fiscal officer for such district and who 63784  
shall have all the powers, duties, and authority vested by law in 63785  
a treasurer of a board of education. Where a governing board of an 63786  
educational service center has been designated to serve as the 63787  
joint vocational school district board of education, such board 63788  
may appoint the educational service center superintendent as the 63789  
treasurer of the joint vocational school district. 63790

(F) Each member of a joint vocational school district board 63791  
of education may be paid such compensation as the board provides 63792  
by resolution, but it shall not exceed one hundred twenty-five 63793  
dollars per member for each meeting attended plus mileage, at the 63794



rate per mile provided by resolution of the board, to and from 63795  
meetings of the board. 63796

The board may provide by resolution for the deduction of 63797  
amounts payable for benefits under section 3313.202 of the Revised 63798  
Code. 63799

Each member of a joint vocational school district board may 63800  
be paid such compensation as the board provides by resolution for 63801  
attendance at an approved training program, provided that such 63802  
compensation shall not exceed sixty dollars per day for attendance 63803  
at a training program three hours or fewer in length and one 63804  
hundred twenty-five dollars a day for attendance at a training 63805  
program longer than three hours in length. However, no board 63806  
member shall be compensated for the same training program under 63807  
this section and section 3313.12 of the Revised Code. 63808

**Sec. 3313.12.** Each member of the educational service center 63809  
governing board may be paid such compensation as the governing 63810  
board provides by resolution, provided that any such compensation 63811  
shall not exceed one hundred twenty-five dollars a day plus 63812  
mileage both ways, at the rate per mile provided by resolution of 63813  
the governing board, for attendance at any meeting of the board. 63814  
Such compensation and the expenses of the educational service 63815  
center superintendent, itemized and verified, shall be paid from 63816  
the educational service center governing board fund upon vouchers 63817  
signed by the president of the governing board. 63818

The board of education of any city, local, or exempted 63819  
village school district may provide by resolution for compensation 63820  
of its members, provided that such compensation shall not exceed 63821  
one hundred twenty-five dollars per member for meetings attended. 63822  
The board may provide by resolution for the deduction of amounts 63823  
payable for benefits under section 3313.202 of the Revised Code. 63824

Each member of a district board or educational service center 63825

governing board may be paid such compensation as the respective 63826  
board provides by resolution for attendance at an approved 63827  
training program, provided that such compensation shall not exceed 63828  
sixty dollars a day for attendance at a training program three 63829  
hours or fewer in length and one hundred twenty-five dollars a day 63830  
for attendance at a training program longer than three hours in 63831  
length. 63832

**Sec. 3313.202.** Any elected or appointed member of the board 63833  
of education of a school district and the dependent children and 63834  
spouse of the member may be covered, at the option of the member, 63835  
under any ~~medical~~ health care plan designed containing best 63836  
practices prescribed by the school employees health care board 63837  
under section 9.901 of the Revised Code. The member shall pay all 63838  
premiums for that coverage. Payments for such coverage shall be 63839  
made, in advance, in a manner prescribed by the school employees 63840  
health care board. The member's exercise of an option to be 63841  
covered under this section shall be in writing, announced at a 63842  
regular public meeting of the board of education, and recorded as 63843  
a public record in the minutes of the board. 63844

**Sec. 3313.33.** (A) Conveyances made by a board of education 63845  
shall be executed by the president and treasurer thereof. 63846

(B) Except as provided in division (C) of this section, no 63847  
member of the board shall have, directly or indirectly, any 63848  
pecuniary interest in any contract of the board or be employed in 63849  
any manner for compensation by the board of which the person is a 63850  
member. No contract shall be binding upon any board unless it is 63851  
made or authorized at a regular or special meeting of such board. 63852

(C) A member of the board may have a pecuniary interest in a 63853  
contract of the board if all of the following apply: 63854

(1) The member's pecuniary interest in that contract is that 63855

the member is employed by a political subdivision, 63856  
instrumentality, or agency of the state that is contracting with 63857  
the board; 63858

(2) The member does not participate in any discussion or 63859  
debate regarding the contract or vote on the contract; 63860

(3) The member files with the school district treasurer an 63861  
affidavit stating the member's exact employment status with the 63862  
political subdivision, instrumentality, or agency contracting with 63863  
the board. 63864

(D) This section does not apply where a member of the board, 63865  
being a shareholder of a corporation but not being an officer or 63866  
director thereof, owns not in excess of five per cent of the stock 63867  
of such corporation. If a stockholder desires to avail self of the 63868  
exception, before entering upon such contract such person shall 63869  
first file with the treasurer an affidavit stating the 63870  
stockholder's exact status and connection with said corporation. 63871

This section does not apply where a member of the board 63872  
elects to be covered by a ~~medical~~ health care plan under section 63873  
3313.202 of the Revised Code. 63874

**Sec. 4117.03.** (A) Public employees have the right to: 63875

(1) Form, join, assist, or participate in, or refrain from 63876  
forming, joining, assisting, or participating in, except as 63877  
otherwise provided in Chapter 4117. of the Revised Code, any 63878  
employee organization of their own choosing; 63879

(2) Engage in other concerted activities for the purpose of 63880  
collective bargaining or other mutual aid and protection; 63881

(3) Representation by an employee organization; 63882

(4) Bargain collectively with their public employers to 63883  
determine wages, hours, terms and other conditions of employment 63884  
and the continuation, modification, or deletion of an existing 63885

provision of a collective bargaining agreement, and enter into 63886  
collective bargaining agreements; 63887

(5) Present grievances and have them adjusted, without the 63888  
intervention of the bargaining representative, as long as the 63889  
adjustment is not inconsistent with the terms of the collective 63890  
bargaining agreement then in effect and as long as the bargaining 63891  
representatives have the opportunity to be present at the 63892  
adjustment. 63893

(B) Persons on active duty or acting in any capacity as 63894  
members of the organized militia do not have collective bargaining 63895  
rights. 63896

(C) Except as provided in division (D) of this section, 63897  
nothing in Chapter 4117. of the Revised Code prohibits public 63898  
employers from electing to engage in collective bargaining, to 63899  
meet and confer, to hold discussions, or to engage in any other 63900  
form of collective negotiations with public employees who are not 63901  
subject to Chapter 4117. of the Revised Code pursuant to division 63902  
(C) of section 4117.01 of the Revised Code. 63903

(D) A public employer shall not engage in collective 63904  
bargaining or other forms of collective negotiations with the 63905  
employees of county boards of elections referred to in division 63906  
(C)(12) of section 4117.01 of the Revised Code. 63907

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 63908  
collectively for health care benefits; however, all health care 63909  
benefits shall ~~be provided through~~ include best practices 63910  
prescribed by the school employees health care board ~~medical~~ 63911  
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 63912  
~~school district provides its employees with health care benefits~~ 63913  
~~pursuant to collective bargaining, the employees shall be~~ 63914  
~~permitted to choose a plan option from among the school employees~~ 63915  
~~health care board plans agreed to during collective bargaining.~~ 63916

~~(2) During collective bargaining, employees of public schools may agree to pay a higher percentage of the premium for health benefit coverage under the plans designed by the school employees health care board pursuant to section 9.901 of the Revised Code than the percentage designated as the employees' contribution level by the board. A collective bargaining agreement, however, shall not permit the employees to contribute a lesser percentage of the premium than that set as the employees' contribution level by the school employees health care board, unless, in so doing, the participating school board is able to remain in compliance with the aggregate goal set pursuant to division (C)(3) of section 9.901 of the Revised Code.~~

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such 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;	63948
(3) Maintain and improve the efficiency and effectiveness of governmental operations;	63949 63950
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	63951 63952
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	63953 63954 63955
(6) Determine the adequacy of the work force;	63956
(7) Determine the overall mission of the employer as a unit of government;	63957 63958
(8) Effectively manage the work force;	63959
(9) Take actions to carry out the mission of the public employer as a governmental unit.	63960 63961
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.	63962 63963 63964 63965 63966 63967 63968
<b>Section 130.03.</b> Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	63969 63970
<b>Section 130.04.</b> Existing sections 9.833, 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code are hereby repealed.	63971 63972 63973
<b>Section 130.05.</b> The Governor, the President of the Senate, and the Speaker of the House of Representatives each shall appoint	63974 63975

one additional member to the School Employees Health Care Board 63976  
 created pursuant to section 9.901 of the Revised Code. The terms 63977  
 of these additional members as well as the terms of the current 63978  
 members shall end on December 31, 2010. Thereafter, terms of 63979  
 office shall be as specified in section 9.901 of the Revised Code 63980  
 as it results from its amendment by this act. The three additional 63981  
 members each shall be representative of nonadministrative public 63982  
 school employees. 63983

**Section 201.01.** Except as otherwise provided in this act, all 63984  
 appropriation items in this act are appropriated out of any moneys 63985  
 in the state treasury to the credit of the designated fund that 63986  
 are not otherwise appropriated. For all appropriations made in 63987  
 this act, the amounts in the first column are for fiscal year 2008 63988  
 and the amounts in the second column are for fiscal year 2009. 63989  
 63990

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 63991

General Services Fund Group 63992

4J8 889-601 CPA Education	\$	325,000	\$	325,000	63993
Assistance					
4K9 889-609 Operating Expenses	\$	1,092,246	\$	1,117,000	63994
TOTAL GSF General Services Fund					63995
Group	\$	1,417,246	\$	1,442,000	63996
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$	1,442,000	63997

**Section 205.10.** ADJ ADJUTANT GENERAL 63999

General Revenue Fund 64000

GRF 745-401 Ohio Military Reserve	\$	15,188	\$	15,188	64001
GRF 745-404 Air National Guard	\$	2,246,005	\$	2,284,198	64002
GRF 745-407 National Guard	\$	1,400,000	\$	1,400,000	64003
Benefits					

GRF 745-409	Central Administration	\$	4,295,778	\$	4,460,069	64004
GRF 745-499	Army National Guard	\$	5,064,836	\$	5,169,368	64005
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	64006
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	13,124,780	\$	13,431,796	64007
	General Services Fund Group					64008
534 745-612	Property	\$	534,304	\$	534,304	64009
	Operations/Management					
536 745-620	Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	64010
	Operations					
537 745-604	Ohio National Guard	\$	269,826	\$	269,826	64011
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	2,007,100	\$	2,007,100	64012
	Group					
	Federal Special Revenue Fund Group					64013
3E8 745-628	Air National Guard	\$	14,100,000	\$	14,906,820	64014
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	64015
	Operations					
341 745-615	Air National Guard	\$	2,497,480	\$	2,729,939	64016
	Base Security					
342 745-616	Army National Guard	\$	10,146,178	\$	10,590,050	64017
	Agreement					
TOTAL FED	Federal Special Revenue	\$	26,768,658	\$	28,251,809	64018
	Fund Group					
	State Special Revenue Fund Group					64019
5U8 745-613	Community Match	\$	220,000	\$	220,000	64020
	Armories					
528 745-605	Marksmanship	\$	128,600	\$	128,600	64021
	Activities					
TOTAL SSR	State Special Revenue	\$	348,600	\$	348,600	64022
	Fund Group					



TOTAL ALL BUDGET FUND GROUPS	\$	42,249,138	\$	44,039,305	64023
NATIONAL GUARD BENEFITS					64024
The foregoing appropriation item 745-407, National Guard					64025
Benefits, shall be used for purposes of sections 5919.31 and					64026
5919.33 of the Revised Code, and for administrative costs of the					64027
associated programs.					64028
For active duty members of the Ohio National Guard who died					64029
after October 7, 2001, while performing active duty, the death					64030
benefit, pursuant to section 5919.33 of the Revised Code, shall be					64031
paid to the beneficiary or beneficiaries designated on the					64032
member's Servicemembers' Group Life Insurance Policy.					64033
STATE ACTIVE DUTY COSTS					64034
Of the foregoing appropriation item 745-409, Central					64035
Administration, \$50,000 in each fiscal year shall be used for the					64036
purpose of paying expenses related to state active duty of members					64037
of the Ohio organized militia, in accordance with a proclamation					64038
of the Governor. Expenses include, but are not limited to, the					64039
cost of equipment, supplies, and services, as determined by the					64040
Adjutant General's Department.					64041
Of the foregoing appropriation item 745-409, Central					64042
Administration, up to \$60,000 in each fiscal year of unspent and					64043
unencumbered funds remaining after meeting all other obligations					64044
of this appropriation shall be used for a grant to the American					64045
Red Cross Greater Columbus Chapter to be distributed equally to					64046
the Ohio chapters in existence on the effective date of this					64047
section. The funds from this grant shall be used for the Armed					64048
Forces Emergency Services program of the American Red Cross in					64049
Ohio to support members of the military and their families. Upon					64050
distribution of the funds, the American Red Cross Greater Columbus					64051
Chapter shall report to the Adjutant General on the actual					64052
distribution to the various chapters and any administrative costs					64053

associated with the distribution.				64054
<b>Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>				64055
General Revenue Fund				64056
GRF 100-403	Public School Employee	\$ 1,425,000	\$ 1,425,000	64057
	Benefits			
GRF 100-404	CRP Procurement	\$ 255,000	\$ 255,000	64058
	Program			
GRF 100-405	Agency Audit Expenses	\$ 400,000	\$ 400,000	64059
GRF 100-406	County & University	\$ 875,000	\$ 875,000	64060
	Human Resources			
	Services			
GRF 100-410	Veterans' Records	\$ 46,170	\$ 46,171	64061
	Conversion			
GRF 100-415	OAKS Rental Payments	\$ 14,162,000	\$ 14,165,000	64062
GRF 100-418	Web Sites and Business	\$ 3,270,473	\$ 3,270,083	64063
	Gateway			
GRF 100-419	IT Security	\$ 1,500,000	\$ 1,500,000	64064
	Infrastructure			
GRF 100-421	OAKS Project	\$ 375,000	\$ 375,000	64065
	Implementation			
GRF 100-433	State of Ohio Computer	\$ 5,092,502	\$ 5,007,502	64066
	Center			
GRF 100-439	Equal Opportunity	\$ 750,236	\$ 750,236	64067
	Certification Programs			
GRF 100-447	OBA - Building Rent	\$ 112,294,800	\$ 106,476,400	64068
	Payments			
GRF 100-448	OBA - Building	\$ 26,457,000	\$ 27,303,000	64069
	Operating Payments			
GRF 100-449	DAS - Building	\$ 3,769,510	\$ 3,834,871	64070
	Operating Payments			
GRF 100-451	Minority Affairs	\$ 52,927	\$ 52,927	64071

GRF 100-734	Major Maintenance - State Bldgs	\$	42,000	\$	42,000	64072
GRF 102-321	Construction Compliance	\$	1,167,099	\$	1,167,099	64073
GRF 130-321	State Agency Support Services	\$	5,495,163	\$	5,855,163	64074
TOTAL GRF	General Revenue Fund	\$	177,429,880	\$	172,800,452	64075
	General Services Fund Group					64076
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	64077
115 100-632	Central Service Agency	\$	860,878	\$	928,403	64078
117 100-644	General Services Division - Operating	\$	8,295,772	\$	8,540,772	64079
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	64080
125 100-622	Human Resources Division - Operating	\$	19,890,614	\$	20,560,614	64081
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	64082
130 100-606	Risk Management Reserve	\$	2,568,548	\$	2,568,548	64083
131 100-639	State Architect's Office	\$	7,348,483	\$	7,544,164	64084
132 100-631	DAS Building Management	\$	9,716,228	\$	10,166,228	64085
133 100-607	IT Services Delivery	\$	92,539,887	\$	75,847,949	64086
188 100-649	Equal Opportunity Division - Operating	\$	847,409	\$	884,650	64087
201 100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	64088
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	64089
229 100-630	IT Governance	\$	17,108,546	\$	17,108,546	64090
4N6 100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	64091
4P3 100-603	DAS Information Services	\$	4,793,190	\$	4,958,218	64092
427 100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	64093

5C2 100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	64094
5C3 100-608	Skilled Trades	\$	934,982	\$	934,982	64095
5D7 100-621	Workforce Development	\$	70,000	\$	0	64096
5EB 100-635	OAKS Support Organization	\$	19,132,671	\$	19,132,671	64097
5L7 100-610	Professional Development	\$	3,900,000	\$	3,900,000	64098
5V6 100-619	Employee Educational Development	\$	936,129	\$	936,129	64099
5X3 100-634	Centralized Gateway Enhancement	\$	974,023	\$	974,023	64100
TOTAL GSF	General Services Fund					64101
Group		\$	232,347,283	\$	217,218,821	64102
TOTAL ALL BUDGET FUND GROUPS		\$	409,777,163	\$	390,019,273	64103

**Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS** 64105

The foregoing appropriation item 100-403, Public School 64106  
Employee Benefits, shall be used by the School Employees Health 64107  
Care Board to hire staff to provide administrative support to the 64108  
Board and other lawful uses of said fund as prescribed under 64109  
section 9.901 of the Revised Code. This section succeeds Section 64110  
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 64111

**Section 207.10.20. AGENCY AUDIT EXPENSES** 64112

The foregoing appropriation item 100-405, Agency Audit 64113  
Expenses, shall be used for auditing expenses designated in 64114  
division (A)(1) of section 117.13 of the Revised Code for those 64115  
state agencies audited on a biennial basis. 64116

**Section 207.10.30. OAKS RENTAL PAYMENTS** 64117

The foregoing appropriation item 100-415, OAKS Rental 64118  
Payments, shall be used for payments for the period from July 1, 64119  
2007, through June 30, 2009, pursuant to leases and agreements 64120

entered into under Chapter 125. of the Revised Code, as 64121  
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 64122  
General Assembly with respect to financing the costs associated 64123  
with the acquisition, development, installation, and 64124  
implementation of the Ohio Administrative Knowledge System. If it 64125  
is determined that additional appropriations are necessary for 64126  
this purpose, the amounts are hereby appropriated. 64127

**Section 207.10.40. BUILDING RENT PAYMENTS** 64128

The foregoing appropriation item 100-447, OBA - Building Rent 64129  
Payments, shall be used to meet all payments at the times they are 64130  
required to be made during the period from July 1, 2007, to June 64131  
30, 2009, by the Department of Administrative Services to the Ohio 64132  
Building Authority pursuant to leases and agreements under Chapter 64133  
152. of the Revised Code. These appropriations are the source of 64134  
funds pledged for bond service charges on obligations issued 64135  
pursuant to Chapter 152. of the Revised Code. 64136

The foregoing appropriation item 100-448, OBA - Building 64137  
Operating Payments, shall be used to meet all payments at the 64138  
times that they are required to be made during the period from 64139  
July 1, 2007, to June 30, 2009, by the Department of 64140  
Administrative Services to the Ohio Building Authority pursuant to 64141  
leases and agreements under Chapter 152. of the Revised Code, but 64142  
limited to the aggregate amount of \$53,760,000. 64143

The payments to the Ohio Building Authority are for the 64144  
purpose of paying the expenses of agencies that occupy space in 64145  
the various state facilities. The Department of Administrative 64146  
Services may enter into leases and agreements with the Ohio 64147  
Building Authority providing for the payment of these expenses. 64148  
The Ohio Building Authority shall report to the Department of 64149  
Administrative Services and the Office of Budget and Management 64150  
not later than five months after the start of a fiscal year the 64151

actual expenses incurred by the Ohio Building Authority in 64152  
operating the facilities and any balances remaining from payments 64153  
and rentals received in the prior fiscal year. The Department of 64154  
Administrative Services shall reduce subsequent payments by the 64155  
amount of the balance reported to it by the Ohio Building 64156  
Authority. 64157

**Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS** 64158

The foregoing appropriation item 100-449, DAS - Building 64159  
Operating Payments, shall be used to pay the rent expenses of 64160  
veterans organizations pursuant to section 123.024 of the Revised 64161  
Code in fiscal years 2008 and 2009. 64162

The foregoing appropriation item, 100-449, DAS - Building 64163  
Operating Payments, may be used to provide funding for the cost of 64164  
property appraisals or building studies that the Department of 64165  
Administrative Services may be required to obtain for property 64166  
that is being sold by the state or property under consideration to 64167  
be renovated or purchased by the state. 64168

Notwithstanding section 125.28 of the Revised Code, the 64169  
remaining portion of the appropriation may be used to pay the 64170  
operating expenses of state facilities maintained by the 64171  
Department of Administrative Services that are not billed to 64172  
building tenants. These expenses may include, but are not limited 64173  
to, the costs for vacant space and space undergoing renovation, 64174  
and the rent expenses of tenants that are relocated due to 64175  
building renovations. These payments shall be processed by the 64176  
Department of Administrative Services through intrastate transfer 64177  
vouchers and placed in the Building Management Fund (Fund 132). 64178

**Section 207.10.60. CENTRAL SERVICE AGENCY FUND** 64179

The Department of Administrative Services shall not allocate 64180  
annual costs for maintaining an automated application for the 64181

professional licensing boards and for the costs of supporting 64182  
licensing functions in excess of the amounts supported by 64183  
licensing and registration fees established for fiscal year 2007. 64184  
The charges shall be billed to the professional licensing boards 64185  
and deposited via intrastate transfer vouchers to the credit of 64186  
the Central Service Agency Fund (Fund 115). 64187

**Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 64188**  
ASSETS 64189

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 64190  
127) is abolished and its functions, assets, and liabilities are 64191  
transferred to the Risk Management Reserve Fund (Fund 130). The 64192  
Risk Management Reserve Fund is thereupon and thereafter successor 64193  
to, assumes the obligations of, and otherwise constitutes the 64194  
continuation of the Vehicle Liability Fund. 64195

Any business commenced but not completed with regard to the 64196  
Vehicle Liability Fund on July 1, 2007, shall be completed with 64197  
regard to the Risk Management Reserve Fund, in the same manner, 64198  
and with the same effect, as if completed with regard to the 64199  
Vehicle Liability Fund. No validation, cure, right, privilege, 64200  
remedy, obligation, or liability is lost or impaired by reason of 64201  
the transfer and shall be administered with regard to the Risk 64202  
Management Reserve Fund. All of the rules, orders, and 64203  
determinations associated with the Vehicle Liability Fund continue 64204  
in effect as rules, orders, and determinations associated with the 64205  
Risk Management Reserve Fund, until modified or rescinded by the 64206  
Director of Administrative Services. If necessary to ensure the 64207  
integrity of the Administrative Code, the Director of the 64208  
Legislative Service Commission shall renumber the rules relating 64209  
to the Vehicle Liability Fund to reflect its transfer to the Risk 64210  
Management Reserve Fund. 64211

(B) Employees paid from the Vehicle Liability Fund shall be 64212

transferred to the Risk Management Reserve Fund or dismissed. 64213  
Employees paid from the Vehicle Liability Fund so dismissed cease 64214  
to hold their positions of employment on July 1, 2007. 64215

(C) No judicial or administrative action or proceeding by 64216  
which the Vehicle Liability Fund is affected that is pending on 64217  
July 1, 2007, is affected by the transfer of functions under 64218  
division (A) of this section. The action or proceeding shall be 64219  
prosecuted or defended on behalf of the Risk Management Reserve 64220  
Fund and the Risk Management Reserve Fund upon application to the 64221  
court or agency shall be substituted for the Vehicle Liability 64222  
Fund as affected by the action or proceeding. 64223

(D) On and after July 1, 2007, when the Vehicle Liability 64224  
Fund is referred to in any statute, rule, contract, grant, or 64225  
other document, the reference is hereby deemed to refer to the 64226  
Risk Management Reserve Fund. 64227

**Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS** 64228

On and after July 1, 2007, notwithstanding any provision to 64229  
the contrary, the Director of Budget and Management is authorized 64230  
to take the actions and effectuate the budget changes made 64231  
necessary by administrative reorganization, program transfers, the 64232  
creation of new funds, and the consolidation of funds required for 64233  
the transfer of the Vehicle Liability Fund Assets to the Risk 64234  
Management Reserve Fund. The Director of Budget and Management may 64235  
make any transfer of cash balances between funds. At the request 64236  
of the Director of Budget and Management, the Director of 64237  
Administrative Services shall certify to the Director of Budget 64238  
and Management an estimate of the amount of the Vehicle Liability 64239  
Fund cash balance to be transferred to the Risk Management Reserve 64240  
Fund. The Director of Budget and Management may transfer the 64241  
estimated amount when needed to make payments. Not more than 64242  
thirty days after certifying the estimated amount, the Director of 64243



Administrative Services shall certify the final amount to the 64244  
Director of Budget and Management. The Director of Budget and 64245  
Management shall transfer the difference between any amount 64246  
previously transferred and the certified final amount. The 64247  
Director of Budget and Management may cancel encumbrances and 64248  
re-establish encumbrances or parts of encumbrances of the Vehicle 64249  
Liability Fund as needed in fiscal year 2008 in the Risk 64250  
Management Reserve Fund for the same purposes. The appropriation 64251  
authority necessary to re-establish such encumbrances in fiscal 64252  
year 2008, as determined by the Director of Budget and Management, 64253  
in appropriation item 100-606, Risk Management Reserve, is hereby 64254  
appropriated. When re-established encumbrances or parts of 64255  
re-established encumbrances of the Vehicle Liability Fund are 64256  
canceled, the Director of Budget and Management shall reduce the 64257  
appropriation for appropriation item 100-606, Risk Management 64258  
Reserve, by the amount of the encumbrances canceled. The amounts 64259  
canceled are hereby authorized. Any fiscal year 2007 unencumbered 64260  
or unallotted appropriation for appropriation item 100-627, 64261  
Vehicle Liability Insurance, may be transferred to appropriation 64262  
item 100-606, Risk Management Reserve, to be used for the same 64263  
purposes, as determined by the Director of Budget and Management. 64264  
The amounts transferred are hereby appropriated. 64265

**Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 64266  
64267

With approval of the Director of Budget and Management, the 64268  
Department of Administrative Services may seek reimbursement from 64269  
state agencies for the actual costs and expenses the department 64270  
incurs in the collective bargaining arbitration process. The 64271  
reimbursements shall be processed through intrastate transfer 64272  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 64273

**Section 207.20.10. EQUAL OPPORTUNITY PROGRAM** 64274

The Department of Administrative Services, with the approval 64275  
of the Director of Budget and Management, shall establish charges 64276  
for recovering the costs of administering the activities supported 64277  
by the State EEO Fund (Fund 188). These charges shall be deposited 64278  
to the credit of the State EEO Fund (Fund 188) upon payment made 64279  
by state agencies, state-supported or state-assisted institutions 64280  
of higher education, and tax-supported agencies, municipal 64281  
corporations, and other political subdivisions of the state, for 64282  
services rendered. 64283

**Section 207.20.20. MERCHANDISE FOR RESALE** 64284

The foregoing appropriation item 100-653, General Services 64285  
Resale Merchandise, shall be used to account for merchandise for 64286  
resale, which is administered by the General Services Division. 64287  
Deposits to the fund may comprise the cost of merchandise for 64288  
resale and shipping fees. 64289

**Section 207.20.30. DAS INFORMATION SERVICES** 64290

There is hereby established in the State Treasury the DAS 64291  
Information Services Fund. The foregoing appropriation item 64292  
100-603, DAS Information Services, shall be used to pay the costs 64293  
of providing information systems and services in the Department of 64294  
Administrative Services. 64295

The Department of Administrative Services shall establish 64296  
user charges for all information systems and services that are 64297  
allowable in the statewide indirect cost allocation plan submitted 64298  
annually to the United States Department of Health and Human 64299  
Services. These charges shall comply with federal regulations and 64300  
shall be deposited to the credit of the DAS Information Services 64301  
Fund (Fund 4P3). 64302

**Section 207.20.40. INVESTMENT RECOVERY FUND** 64303

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.

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.

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.

Of the foregoing appropriation item 100-602, Investment Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal year 2009 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are hereby appropriated.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$500,000 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund to the State Architect's Fund (Fund 131) to provide operating cash.

**Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM**

Effective with the implementation of the Multi-Agency Radio Communications System, the State Chief Information Officer shall collect user fees from participants in the system. The State Chief Information Officer, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles issued by the federal Office of Management and Budget. All moneys from user charges and fees shall be deposited in the state treasury to the credit of the Multi-Agency Radio Communications System Administration Fund (Fund 5C2), which is hereby established in the state treasury. All interest income derived from the investment of the fund shall accrue to the fund.

**Section 207.20.60. WORKFORCE DEVELOPMENT FUND**

There is hereby established in the state treasury the Workforce Development Fund (Fund 5D7). The foregoing appropriation item 100-621, Workforce Development, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to administration of the fund. The fund shall be used to pay the costs of any remaining obligations of the Workforce Development Program, in accordance with Article 37 of the contract

between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 64366  
effective March 1, 2006. These costs include, but are not limited 64367  
to, remaining grant obligations, payments for tuition 64368  
reimbursement, contracted services and general overhead, and any 64369  
settlement costs associated with the Statewide Cost Allocation 64370  
Program (SWCAP). The program shall be administered in accordance 64371  
with the contract. Revenues shall accrue to the fund as specified 64372  
in the contract. The fund may be used to pay direct and indirect 64373  
costs of the program that are attributable to staff, consultants, 64374  
and service providers. All income derived from the investment of 64375  
the fund shall accrue to the fund. 64376

If it is determined by the Director of Administrative 64377  
Services that additional appropriation amounts are necessary, the 64378  
Director of Administrative Services may request that the Director 64379  
of Budget and Management increase such amounts. Such amounts are 64380  
hereby appropriated. 64381

**Section 207.20.70. OAKS SUPPORT ORGANIZATION** 64382

The foregoing appropriation item 100-635, OAKS Support 64383  
Organization, shall be used by the Office of Information 64384  
Technology to support the operating costs associated with the 64385  
implementation and maintenance of the state's enterprise resource 64386  
planning system, OAKS, consistent with its responsibilities under 64387  
this section and Chapters 125. and 126. of the Revised Code. The 64388  
OAKS Support Organization shall operate and maintain the human 64389  
capital management and financial management modules of the state's 64390  
enterprise resource planning system to support statewide human 64391  
resources and financial management activities administered by the 64392  
Department of Administrative Services' human resources division 64393  
and the Office of Budget and Management. The OAKS Support 64394  
Organization shall recover the costs to establish, operate, and 64395  
maintain the OAKS system through intrastate transfer voucher 64396

billings to the Department of Administrative Services and the 64397  
Office of Budget and Management. Effective July 1, 2007, the 64398  
Department of Administrative Services, with the approval of the 64399  
Director of Budget and Management, shall include the recovery of 64400  
the costs of administering the human capital management module of 64401  
the OAKS System within the human resources services payroll rate. 64402  
These revenues shall be deposited to the credit of the Human 64403  
Resources Services Fund (Fund 125). Amounts deposited under this 64404  
section are hereby appropriated to appropriation item 100-622, 64405  
Human Resources Division-Operating. Not less than quarterly, the 64406  
Department of Administrative Services shall process the intrastate 64407  
transfer billings to transfer cash from the Human Resources 64408  
Services Fund (Fund 125) to the OAKS Support Organization Fund 64409  
(Fund 5EB) to pay for the OAKS Support Organization costs. 64410

**Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND** 64411

The foregoing appropriation item 100-610, Professional 64412  
Development, shall be used to make payments from the Professional 64413  
Development Fund (Fund 5L7) under section 124.182 of the Revised 64414  
Code. 64415

**Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT** 64416

There is hereby established in the state treasury the 64417  
Employee Educational Development Fund (Fund 5V6). The foregoing 64418  
appropriation item 100-619, Employee Educational Development, 64419  
shall be used to make payments from the fund. The fund shall be 64420  
used to pay the costs of the administration of educational 64421  
programs per existing collective bargaining agreements with 64422  
District 1199, the Health Care and Social Service Union; State 64423  
Council of Professional Educators; Ohio Education Association and 64424  
National Education Association; the Fraternal Order of Police Ohio 64425  
Labor Council, Unit 2; and the Ohio State Troopers Association, 64426

Units 1 and 15. The fund shall be under the supervision of the 64427  
Department of Administrative Services, which may adopt rules with 64428  
regard to administration of the fund. The fund shall be 64429  
administered in accordance with the applicable sections of the 64430  
collective bargaining agreements between the State and the 64431  
aforementioned unions. The Department of Administrative Services, 64432  
with the approval of the Director of Budget and Management, shall 64433  
establish charges for recovering the costs of administering the 64434  
educational programs. Receipts for these charges shall be 64435  
deposited into the Employee Educational Development Fund. All 64436  
income derived from the investment of the funds shall accrue to 64437  
the fund. 64438

If it is determined by the Director of Administrative 64439  
Services that additional appropriation amounts are necessary, the 64440  
Director of Administrative Services may request that the Director 64441  
of Budget and Management increase such amounts. Such amounts are 64442  
hereby appropriated with the approval of the Director of Budget 64443  
and Management. 64444

**Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND** 64445

(A) As used in this section, "Ohio Business Gateway" refers 64446  
to the internet-based system operated by the Office of Information 64447  
Technology with the advice of the Ohio Business Gateway Steering 64448  
Committee established under section 5703.57 of the Revised Code. 64449  
The Ohio Business Gateway is established to provide businesses a 64450  
central web site where various filings and payments are submitted 64451  
on-line to government. The information is then distributed to the 64452  
various government entities that interact with the business 64453  
community. 64454

(B) As used in this section: 64455

(1) "State Portal" refers to the official web site of the 64456  
state, operated by the Office of Information Technology. 64457

(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).



**Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT** 64488

The State Chief Information Officer, with the approval of the 64489  
Director of Budget and Management, may establish an information 64490  
technology assessment for the purpose of recovering the cost of 64491  
selected infrastructure and statewide programs. Such assessment 64492  
shall comply with applicable cost principles issued by the federal 64493  
Office of Management and Budget. The information technology 64494  
assessment shall be charged to all organized bodies, offices, or 64495  
agencies established by the laws of the state for the exercise of 64496  
any function of state government except for the General Assembly, 64497  
any legislative agency, the Supreme Court, the other courts of 64498  
record in Ohio, or any judicial agency, the Adjutant General, the 64499  
Bureau of Workers' Compensation, and institutions administered by 64500  
a board of trustees. Any state-entity exempted by this section may 64501  
utilize the infrastructure or statewide program by participating 64502  
in the information technology assessment. All charges for the 64503  
information technology assessment shall be deposited to the credit 64504  
of the IT Governance Fund (Fund 229). 64505

**Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM** 64506

**DEBT SERVICE PAYMENTS** 64507

The Director of Administrative Services, in consultation with 64508  
the Multi-Agency Radio Communication System (MARCS) Steering 64509  
Committee and the Director of Budget and Management, shall 64510  
determine the share of debt service payments attributable to 64511  
spending for MARCS components that are not specific to any one 64512  
agency and that shall be charged to agencies supported by the 64513  
motor fuel tax. Such share of debt service payments shall be 64514  
calculated for MARCS capital disbursements made beginning July 1, 64515  
1997. Within thirty days of any payment made from appropriation 64516  
item 100-447, OBA - Building Rent Payments, the Director of 64517  
Administrative Services shall certify to the Director of Budget 64518

and Management the amount of this share. The Director of Budget 64519  
and Management shall transfer such amounts to the General Revenue 64520  
Fund from the State Highway Safety Fund (Fund 036) established in 64521  
section 4501.06 of the Revised Code. 64522

The State Chief Information Officer shall consider renting or 64523  
leasing existing tower sites at reasonable or current market 64524  
rates, so long as these existing sites are equipped with the 64525  
technical capabilities to support the MARCS project. 64526

**Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 64527

Whenever the Director of Administrative Services declares a 64528  
"public exigency," as provided in division (C) of section 123.15 64529  
of the Revised Code, the Director shall also notify the members of 64530  
the Controlling Board. 64531

**Section 207.30.60. GENERAL SERVICE CHARGES** 64532

The Department of Administrative Services, with the approval 64533  
of the Director of Budget and Management, shall establish charges 64534  
for recovering the costs of administering the programs in the 64535  
General Services Fund (Fund 117) and the State Printing Fund (Fund 64536  
210). 64537

**Section 207.30.70. STATE ENERGY SERVICES PROGRAM** 64538

Within 30 days after the effective date of this section, or 64539  
as soon possible thereafter, the Director of Administrative 64540  
Services shall certify the remaining cash in the Federal Special 64541  
Revenue Fund (Fund 307) to the Director of Budget and Management, 64542  
who shall transfer that amount to the State Architect's Office 64543  
(Fund 131). The cash shall be used to operate the state's energy 64544  
services program. 64545

Within thirty days after the effective date of this section, 64546  
or as soon as possible thereafter, the Director of Administrative 64547

Services shall certify the remaining cash in the Energy Grants Fund (Fund 5A8) to the Director of Budget and Management, who shall transfer that amount to the State Architect's Office (Fund 131). The cash shall be used to operate the state's energy services program.

**Section 207.30.80. FEDERAL GRANTS OGRIP**

As soon as possible on or after July 1, 2007, the Director of Budget and Management may transfer cash in the amount of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the General Revenue Fund.

**Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES**

General Revenue Fund				64559	
GRF 036-100 Personal Services	\$	235,091	\$	235,091	64560
GRF 036-200 Maintenance	\$	29,000	\$	29,000	64561
GRF 036-300 Equipment	\$	1,000	\$	1,000	64562
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	64563
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	64564
State Special Revenue Fund Group					64565
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	64566
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	64567
TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	64568

**CAAM STRATEGIC PLAN**

The Commission on African American Males shall develop a strategic plan to accomplish the tasks put forth in section 4112.13 of the Revised Code.

On January 1, 2008, or as soon as possible thereafter, the

Director of the Commission on African American Males shall submit 64574  
a strategic plan for the use of \$500,000 in fiscal year 2008 and 64575  
\$1,000,000 in fiscal year 2009 to the Governor, the President of 64576  
the Senate, the Minority Leader of the Senate, the Speaker of the 64577  
House of Representatives, and the Minority Leader of the House of 64578  
Representatives. 64579

Not later than June 30, 2009, the Commission on African 64580  
American Males shall submit a report on the impacts and outcomes 64581  
of the strategic plan to the Governor, the President of the 64582  
Senate, the Minority Leader of the Senate, the Speaker of the 64583  
House of Representatives, and the Minority Leader of the House of 64584  
Representatives. 64585

FUND TRANSFERS 64586

(A) All moneys appropriated or reappropriated to the Ohio 64587  
Commission on African-American Males for the performance of its 64588  
duties, powers, obligations, and functions, and the exercise of 64589  
rights, that are transferred by this act to the Ohio State 64590  
University, to the extent of the remaining unexpended or 64591  
unencumbered balance of the appropriations or reappropriations, 64592  
whether obligated or unobligated, are hereby transferred, 64593  
effective July 1, 2007, to the University for performing the 64594  
duties, powers, obligations, and functions, and exercising the 64595  
rights of the University in operating and overseeing the 64596  
Commission. 64597

(B) On and after July 1, 2007, notwithstanding any provision 64598  
of law to the contrary, the Director of Budget and Management is 64599  
authorized to take the actions described in this section with 64600  
respect to budget changes made necessary by administrative 64601  
reorganization, program transfers, the creation of new funds, and 64602  
the consolidation of funds as authorized by this act. The Director 64603  
may make any transfer of cash balances between funds. At the 64604  
request of the Director of Budget and Management, the Board of 64605

Trustees of the Ohio State University shall certify to the 64606  
Director an estimate of the amount of the cash balance to be 64607  
transferred to the receiving fund. The Director may transfer the 64608  
estimated amount when needed to make payments. Not more than 64609  
thirty days after certifying the estimated amount, the Board of 64610  
Trustees shall certify the final amount to the Director. The 64611  
Director shall transfer the difference between any amount 64612  
previously transferred and the certified final amount. The 64613  
Director may cancel encumbrances and re-establish encumbrances or 64614  
parts of encumbrances as needed in the fiscal year in the 64615  
appropriate fund and appropriation line item for the same purpose 64616  
and to the same vendor. As determined by the Director, the 64617  
appropriation authority necessary to re-establish such 64618  
encumbrances in the fiscal year in a different fund or 64619  
appropriation line item within an agency or between agencies is 64620  
hereby appropriated by the General Assembly. The Director shall 64621  
reduce each year's appropriation balances by the amount of the 64622  
encumbrance canceled in their respective funds and appropriation 64623  
line item. Any unencumbered or unallocated appropriation balances 64624  
from the previous fiscal year may be transferred to the 64625  
appropriate appropriation line item to be used for the same 64626  
purposes, as determined by the Director. 64627

**Section 211.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 64628

General Revenue Fund 64629

GRF 029-321 Operating Expenses	\$	397,000	\$	403,000	64630
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TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	64631
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TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	64632
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OPERATING 64633

The Chief Administrative Officer of the House of 64634  
Representatives and the Clerk of the Senate shall determine, by 64635  
mutual agreement, which of them shall act as fiscal agent for the 64636

Joint Committee on Agency Rule Review. Members of the Committee 64637  
shall be paid in accordance with section 101.35 of the Revised 64638  
Code. 64639

OPERATING EXPENSES 64640

On July 1, 2007, or as soon as possible thereafter, the 64641  
designated fiscal agent shall certify to the Director of Budget 64642  
and Management the total fiscal year 2007 unencumbered 64643  
appropriations in appropriation item 029-321, Operating Expenses. 64644  
The designated fiscal agent may direct the Director of Budget and 64645  
Management to transfer an amount not to exceed the total fiscal 64646  
year 2007 unencumbered appropriations to fiscal year 2008 for use 64647  
in appropriation item 029-321, Operating Expenses. Additional 64648  
appropriation authority equal to the amount certified by the 64649  
designated fiscal agent is hereby appropriated to appropriation 64650  
item 029-321, Operating Expenses, in fiscal year 2008. 64651

On July 1, 2008, or as soon as possible thereafter, the 64652  
designated fiscal agent shall certify to the Director of Budget 64653  
and Management the total fiscal year 2008 unencumbered 64654  
appropriations in appropriation item 029-321, Operating Expenses. 64655  
The designated fiscal agent may direct the Director of Budget and 64656  
Management to transfer an amount not to exceed the total fiscal 64657  
year 2008 unencumbered appropriations to fiscal year 2009 for use 64658  
in appropriation item 029-321, Operating Expenses. Additional 64659  
appropriation authority equal to the amount certified by the 64660  
designated fiscal agent is hereby appropriated to appropriation 64661  
item 029-321, Operating Expenses, in fiscal year 2009. 64662

**Section 213.10.** AGE DEPARTMENT OF AGING 64663

General Revenue Fund 64664

GRF 490-321 Operating Expenses \$ 2,637,571 \$ 2,637,271 64665

GRF 490-403 PASSPORT \$ 128,391,189 \$ 158,196,465 64666

GRF 490-406	Senior Olympics	\$	14,856	\$	14,856	64667
GRF 490-409	Ohio Community Service	\$	183,792	\$	183,792	64668
	Council Operations					
GRF 490-410	Long-Term Care	\$	654,965	\$	654,965	64669
	Ombudsman					
GRF 490-411	Senior Community	\$	10,349,439	\$	10,349,439	64670
	Services					
GRF 490-412	Residential State	\$	9,156,771	\$	9,156,771	64671
	Supplement					
GRF 490-414	Alzheimers Respite	\$	4,131,594	\$	4,131,594	64672
GRF 490-416	JCFS Community Options	\$	250,000	\$	250,000	64673
GRF 490-421	PACE	\$	10,214,809	\$	10,214,809	64674
GRF 490-422	Assisted Living Waiver	\$	12,554,940	\$	15,213,890	64675
GRF 490-506	National Senior	\$	335,296	\$	335,296	64676
	Service Corps					
TOTAL GRF	General Revenue Fund	\$	178,875,222	\$	211,339,148	64677
	General Services Fund Group					64678
480 490-606	Senior Community	\$	372,677	\$	372,677	64679
	Outreach and Education					
TOTAL GSF	General Services Fund					64680
Group		\$	372,677	\$	372,677	64681
	Federal Special Revenue Fund Group					64682
3C4 490-607	PASSPORT	\$	301,767,486	\$	301,274,172	64683
3C4 490-621	PACE-Federal	\$	14,586,135	\$	14,586,135	64684
3C4 490-622	Assisted	\$	14,972,892	\$	21,810,442	64685
	Living-Federal					
3M4 490-612	Federal Independence	\$	62,406,819	\$	63,655,080	64686
	Services					
3R7 490-617	Ohio Community Service	\$	8,870,000	\$	8,870,000	64687
	Council Programs					
322 490-618	Federal Aging Grants	\$	10,000,000	\$	10,200,000	64688
TOTAL FED	Federal Special Revenue					64689

Fund Group	\$	412,603,332	`	420,395,829	64690
State Special Revenue Fund Group					64691
4C4 490-609 Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	64692
4J4 490-610 PASSPORT/Residential State Supplement	\$	33,491,930	\$	33,263,984	64693
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	64694
5AA 490-673 Ohio's Best Rx Administration	\$	1,184,154	\$	910,801	64695
5BA 490-620 Ombudsman Support	\$	600,000	\$	600,000	64696
5K9 490-613 Long Term Care Consumers Guide	\$	820,400	\$	820,400	64697
5W1 490-616 Resident Services Coordinator Program	\$	330,000	\$	330,000	64698
624 490-604 OCSC Community Support	\$	470,000	\$	470,000	64699
TOTAL SSR State Special Revenue					64700
Fund Group	\$	42,256,453	\$	41,755,154	64701
TOTAL ALL BUDGET FUND GROUPS	\$	634,107,684	\$	673,862,808	64702

**Section 213.20.** PRE-ADMISSION REVIEW FOR NURSING FACILITY 64704  
ADMISSION 64705

Pursuant to an interagency agreement, the Department of Job 64706  
and Family Services shall designate the Department of Aging to 64707  
perform assessments under sections 173.42 and 5111.204 of the 64708  
Revised Code. Of the foregoing appropriation item 490-403, 64709  
PASSPORT, the Department of Aging may use not more than \$2,731,000 64710  
in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform 64711  
the assessments for persons not eligible for Medicaid under the 64712  
department's interagency agreement with the Department of Job and 64713  
Family Services and to assist individuals in planning for their 64714  
long-term health care needs. 64715

PASSPORT 64716



Appropriation item 490-403, PASSPORT, and the amounts set 64717  
aside for the PASSPORT Waiver Program in appropriation item 64718  
490-610, PASSPORT/Residential State Supplement, may be used to 64719  
assess clients regardless of Medicaid eligibility. 64720

The Director of Aging shall adopt rules under section 111.15 64721  
of the Revised Code governing the nonwaiver funded PASSPORT 64722  
program, including client eligibility. 64723

The Department of Aging shall administer the Medicaid 64724  
waiver-funded PASSPORT Home Care Program as delegated by the 64725  
Department of Job and Family Services in an interagency agreement. 64726  
The foregoing appropriation item 490-403, PASSPORT, and the 64727  
amounts set aside for the PASSPORT Waiver Program in appropriation 64728  
item 490-610, PASSPORT/Residential State Supplement, shall be used 64729  
to provide the required state match for federal Medicaid funds 64730  
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 64731  
Appropriation item 490-403, PASSPORT, and the amounts set aside 64732  
for the PASSPORT Waiver Program in appropriation item 490-610, 64733  
PASSPORT/Residential State Supplement, may also be used to support 64734  
the Department of Aging's administrative costs associated with 64735  
operating the PASSPORT program. 64736

The foregoing appropriation item 490-607, PASSPORT, shall be 64737  
used to provide the federal matching share for all PASSPORT 64738  
program costs determined by the Department of Job and Family 64739  
Services to be eligible for Medicaid reimbursement. 64740

OHIO COMMUNITY SERVICE COUNCIL 64741

The foregoing appropriation items 490-409, Ohio Community 64742  
Service Council Operations, and 490-617, Ohio Community Service 64743  
Council Programs, shall be used in accordance with section 121.40 64744  
of the Revised Code. 64745

LONG-TERM CARE OMBUDSMAN 64746

The foregoing appropriation item 490-410, Long-Term Care 64747

Ombudsman, shall be used for a program to fund ombudsman program 64748  
activities as authorized in sections 173.14 to 173.27 and section 64749  
173.99 of the Revised Code. 64750

SENIOR COMMUNITY SERVICES 64751

Of the foregoing appropriation item 490-411, Senior Community 64752  
Services, \$10,299,439 in each fiscal year shall be used for 64753  
services designated by the Department of Aging, including, but not 64754  
limited to, home-delivered and congregate meals, transportation 64755  
services, personal care services, respite services, adult day 64756  
services, home repair, care coordination, and decision support 64757  
systems. Service priority shall be given to low income, frail, and 64758  
cognitively impaired persons 60 years of age and over. The 64759  
department shall promote cost sharing by service recipients for 64760  
those services funded with senior community services funds, 64761  
including, when possible, sliding-fee scale payment systems based 64762  
on the income of service recipients. 64763

Of the foregoing appropriation item 490-411, Senior Community 64764  
Services, \$50,000 in each fiscal year shall be allocated to the 64765  
Eastlake Senior Center. 64766

RESIDENTIAL STATE SUPPLEMENT 64767

Under the Residential State Supplement Program, the amount 64768  
used to determine whether a resident is eligible for payment and 64769  
for determining the amount per month the eligible resident will 64770  
receive shall be as follows: 64771

(A) \$927 for a residential care facility, as defined in 64772  
section 3721.01 of the Revised Code; 64773

(B) \$927 for an adult group home, as defined in Chapter 3722. 64774  
of the Revised Code; 64775

(C) \$824 for an adult foster home, as defined in Chapter 173. 64776  
of the Revised Code; 64777

(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;	64778 64779
(E) \$824 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	64780 64781
(F) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	64782 64783
(G) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	64784 64785 64786
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	64787 64788 64789
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	64790
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.	64791 64792 64793 64794 64795 64796 64797
ALZHEIMERS RESPITE	64798
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.	64799 64800 64801
JCFS COMMUNITY OPTIONS	64802
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	64803 64804 64805 64806 64807

through and shall be administered by the Area Agencies on Aging. 64808  
Agencies receiving funding from appropriation item 490-416, JCFS 64809  
Community Options, shall coordinate services with other local 64810  
service agencies. The appropriation shall be allocated to the 64811  
following agencies: 64812

(A) \$80,000 in both fiscal years to Cincinnati Jewish 64813  
Vocational Services; 64814

(B) \$70,000 in both fiscal years to Wexner Heritage Village; 64815

(C) \$20,000 in both fiscal years to Yassenoff Jewish 64816  
Community Center; 64817

(D) \$80,000 in both fiscal years to Cleveland Jewish 64818  
Community Center. 64819

ALLOCATION OF PACE SLOTS 64820

In order to effectively administer and manage growth within 64821  
the PACE Program, the Director of Aging may, as the director deems 64822  
appropriate and to the extent funding is available, allocate funds 64823  
for the PACE Program between the PACE sites in Cleveland and 64824  
Cincinnati. 64825

OHIO'S BEST RX START-UP COSTS 64826

An amount equal to the unencumbered balance in appropriation 64827  
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 64828  
is hereby appropriated for fiscal year 2008 into appropriation 64829  
item 490-440, Ohio's Best Rx Start-up Costs. 64830

An amount equal to the remaining unencumbered balance in 64831  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 64832  
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 64833  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 64834  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 64835  
be used by the Department of Aging to pay for the administrative 64836  
and operational expenses of the Ohio's Best Rx Program in 64837

accordance with sections 173.71 to 173.91 of the Revised Code, 64838  
including costs associated with the duties assigned by the 64839  
department to the Ohio's Best Rx Program Administrator and for 64840  
making payments to participating terminal distributors until 64841  
sufficient cash exists to make payments from the accounts created 64842  
in sections 173.85 and 173.86 of the Revised Code. Of 64843  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 64844  
more than \$750,000 in each fiscal year may be used by the 64845  
department for administrative and operational costs, excluding 64846  
outreach, that are not associated with the Ohio's Best Rx Program 64847  
Administrator or the payments to participating terminal 64848  
distributors. 64849

EDUCATION AND TRAINING 64850

The foregoing appropriation item 490-606, Senior Community 64851  
Outreach and Education, may be used to provide training to workers 64852  
in the field of aging pursuant to division (G) of section 173.02 64853  
of the Revised Code. 64854

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 64855

The foregoing appropriation item 490-609, Regional Long-Term 64856  
Care Ombudsman Program, shall be used solely to pay the costs of 64857  
operating the regional long-term care ombudsman programs 64858  
designated by the Long-Term Care Ombudsman. 64859

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 64860

Of the foregoing appropriation item 490-610, 64861  
PASSPORT/Residential State Supplement, up to \$2,835,000 each 64862  
fiscal year may be used to fund the Residential State Supplement 64863  
Program. The remaining available funds shall be used to fund the 64864  
PASSPORT program. 64865

FEDERAL SUPPORTIVE SERVICES FUND 64866

On July 1, 2007, as soon as possible thereafter, the Director 64867

of Budget and Management shall transfer all assets, liabilities, 64868  
revenues, and obligations associated with the Federal Aging 64869  
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund 64870  
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund 64871  
(Fund 3M3) shall cease to exist. The Director of Budget and 64872  
Management shall cancel any existing encumbrances against 64873  
appropriation item 490-611, Federal Aging Nutrition Fund (Fund 64874  
3M3), and re-establish them against appropriation item 490-612, 64875  
Federal Independence Services (Fund 3M4). The amounts of the 64876  
re-established encumbrances are hereby appropriated. 64877

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 64878  
AND FEDERAL AGING GRANTS 64879

Upon written request of the Director of Aging, the Director 64880  
of Budget and Management may transfer appropriation authority 64881  
among appropriation items 490-612, Federal Independence Services, 64882  
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per 64883  
cent of the appropriation from which the transfer is made. The 64884  
Department of Aging shall report a transfer to the Controlling 64885  
Board at the next regularly scheduled meeting of the board. 64886

TRANSFER OF RESIDENT PROTECTION FUNDS 64887

The Director of Budget and Management shall transfer \$600,000 64888  
per year in cash from Fund 4E3, Resident Protection Fund, in the 64889  
Department of Job and Family Services, to Fund 5BA in the 64890  
Department of Aging, to be used for the expansion of ombudsman 64891  
services to enhance consumer involvement and person-centered care 64892  
planning in nursing homes by the Office of the State Long-Term 64893  
Care Ombudsman created by the Department of Aging under division 64894  
(M) of section 173.01 of the Revised Code. 64895

OHIO'S BEST RX ADMINISTRATION 64896

The foregoing appropriation item 490-673, Ohio's Best Rx 64897  
Administration, shall be used on an ongoing basis to cover 64898

expenses associated with the Ohio's Best Rx Program specified in 64899  
section 173.86 of the Revised Code. If receipts to the fund exceed 64900  
the appropriated amount, the Director of Aging may seek 64901  
Controlling Board approval to increase the appropriation of this 64902  
fund. Upon approval from the Controlling Board, the additional 64903  
amounts are hereby appropriated. 64904

**Section 213.30. UNIFIED LONG-TERM CARE BUDGET WORKGROUP** 64905

(A) There is hereby created the Unified Long-Term Care Budget 64906  
Workgroup. The Workgroup shall consist of the following members: 64907

(1) The Director of Aging; 64908

(2) Consumer advocates, representatives of the provider 64909  
community, and state policy makers, appointed by the Governor; 64910

(3) One member of the House of Representatives appointed by 64911  
the Speaker of the House of Representatives; 64912

(4) One member of the House of Representatives appointed by 64913  
the Minority Leader of the House of Representatives; 64914

(5) One member of the Senate appointed by the President of 64915  
the Senate; 64916

(6) One member of the Senate appointed by the Minority Leader 64917  
of the Senate. 64918

The Director of Aging shall serve as the chairperson of the 64919  
Workgroup. 64920

(B) The Workgroup shall develop a unified long-term care 64921  
budget that facilitates the following: 64922

(1) Providing a consumer a choice of services that meet the 64923  
consumer's health care needs and improve the consumer's quality of 64924  
life; 64925

(2) Providing a continuum of services that meet the needs of 64926  
a consumer throughout life; 64927

(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;

(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.

(C) The Workgroup shall submit a written implementation plan to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform not later than June 1, 2008. The plan shall incorporate the following:

(1) Recommendations regarding the structure of the unified long-term care budget;

(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner;

(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009;

(4) Success criteria and tools to measure progress against the success criteria.

The plan shall consider the recommendations of the Medicaid Administrative Study Council and the Ohio Commission to Reform Medicaid.

(D) In support of the Unified Long-Term Care Budget the following shall be established in the General Revenue Fund:

(1) In the Department of Aging, 490-XXX, Long-Term Care Budget - State;

(2) In the Department of Job and Family Services, 600-XXX,



Long-Term Care Budget - State;	64958
(3) In the Department of Mental Retardation and Developmental Disabilities, 322-XXX, Long-Term Care Budget - State;	64959 64960
(4) In the Department of Mental Health, 333-XXX, Long-Term Care Budget - State.	64961 64962
(E) On an annual basis, the Directors of Aging and Budget and Management shall submit a written report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.	64963 64964 64965 64966 64967 64968 64969 64970
(F) When a separate department or agency is created solely to administer the Medicaid program, the Director of Budget and Management may do all of the following in support of the Workgroup's proposal:	64971 64972 64973 64974
(1) Transfer funds and appropriations currently appropriated to pay for Medicaid services to any appropriation item referenced in division (D) of this section;	64975 64976 64977
(2) Transfer funds between appropriation items referenced in division (D) of this section;	64978 64979
(3) Develop a reporting mechanism to transparently show how the funds are being transferred and expended.	64980 64981
<b>Section 215.10. AGR DEPARTMENT OF AGRICULTURE</b>	64982
General Revenue Fund	64983
GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330	64984
GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506	64985
GRF 700-403 Dairy Division \$ 1,304,504 \$ 1,304,504	64986

GRF 700-404	Ohio Proud	\$	196,895	\$	196,895	64987
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	64988
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	64989
GRF 700-407	Food Safety	\$	865,100	\$	865,100	64990
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	64991
GRF 700-410	Plant Industry	\$	350,000	\$	350,000	64992
GRF 700-411	International Trade and Market Development	\$	617,524	\$	617,524	64993
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	64994
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	64995
GRF 700-415	Poultry Inspection	\$	400,000	\$	400,000	64996
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	64997
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	64998
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	64999
GRF 700-501	County Agricultural Societies	\$	483,226	\$	483,226	65000
GRF 700-503	Livestock Exhibition Fund	\$	62,500	\$	62,500	65001
TOTAL GRF	General Revenue Fund	\$	19,456,395	\$	19,456,395	65002
	General Services Fund Group					65003
5DA 700-644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	65004
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	65005
	Federal Special Revenue Fund Group					65006
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	65007
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	65008
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	65009

326	700-618	Meat Inspection Program - Federal Share	\$	4,960,000	\$	4,950,000	65010
336	700-617	Ohio Farm Loan Revolving Fund	\$	44,679	\$	44,679	65011
382	700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	65012
TOTAL FED Federal Special Revenue							65013
Fund Group			\$	16,104,679	\$	16,094,679	65014
State Special Revenue Fund Group							65015
4C9	700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$	1,850,000	\$	1,850,000	65016
4D2	700-609	Auction Education	\$	24,601	\$	24,601	65017
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	65018
4P7	700-610	Food Safety Inspection	\$	858,096	\$	858,096	65019
4R2	700-637	Dairy Industry Inspection	\$	1,500,000	\$	1,500,000	65020
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	65021
4T7	700-613	International Trade and Market Development	\$	15,000	\$	15,000	65022
494	700-612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	65023
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	65024
497	700-627	Commodity Handlers Regulatory Program	\$	500,000	\$	500,000	65025
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	65026
5H2	700-608	Metrology Lab and Scale Certification	\$	427,526	\$	427,526	65027
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	65028
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	65029

652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	65030
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	65031
TOTAL SSR State Special Revenue 65032							
Fund Group \$ 13,590,966 \$ 13,590,966 65033							
Clean Ohio Conservation Fund Group 65034							
057	700-632	Clean Ohio	\$	149,000	\$	149,000	65035
		Agricultural Easement					
TOTAL CLF Clean Ohio Conservation \$ 149,000 \$ 149,000 65036							
Fund Group							
TOTAL ALL BUDGET FUND GROUPS \$ 50,401,040 \$ 50,391,040 65037							
OHIO - ISRAEL AGRICULTURAL INITIATIVE 65038							
Of the foregoing General Revenue Fund appropriation item 65039							
700-411, International Trade and Market Development, \$100,000 65040							
shall be used in each fiscal year for the Ohio - Israel 65041							
Agricultural Initiative. 65042							
COUNTY AGRICULTURAL SOCIETIES 65043							
The foregoing appropriation item 700-501, County Agricultural 65044							
Societies, shall be used to reimburse county and independent 65045							
agricultural societies for expenses related to Junior Fair 65046							
activities. 65047							
LIVESTOCK EXHIBITION FUND 65048							
The foregoing appropriation item 700-503, Livestock 65049							
Exhibition Fund, shall be used in accordance with section 901.42 65050							
of the Revised Code. 65051							
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY 65052							
FUND 65053							
On the effective date of this section, or as soon as possible 65054							
thereafter, the Director of Budget and Management may transfer all 65055							
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the 65056							

Laboratory Services Fund (Fund 652) to correct deposits that were 65057  
mistakenly deposited to the Laboratory Services Fund (Fund 4V5). 65058

**Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 65059

General Revenue Fund 65060

GRF 898-402 Coal Development \$ 565,097 \$ 589,092 65061  
Office

GRF 898-901 Coal R&D General \$ 7,232,400 \$ 8,192,500 65062  
Obligation Debt  
Service

TOTAL GRF General Revenue Fund \$ 7,797,497 \$ 8,781,592 65063

General Services Fund Group 65064

5EG 898-608 Energy Strategy \$ 307,000 \$ 307,000 65065  
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 65066

Agency Fund Group 65067

4Z9 898-602 Small Business \$ 287,146 \$ 294,290 65068  
Ombudsman

5A0 898-603 Small Business \$ 71,087 \$ 71,087 65069  
Assistance

570 898-601 Operating Expenses \$ 255,000 \$ 264,000 65070

TOTAL AGY Agency Fund Group \$ 613,233 \$ 629,377 65071

Coal Research/Development Fund 65072

046 898-604 Coal Research and \$ 10,000,000 \$ 10,000,000 65073  
Development Fund

TOTAL 046 Coal \$ 10,000,000 \$ 10,000,000 65074

Research/Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 18,717,730 \$ 19,717,969 65075

COAL DEVELOPMENT OFFICE 65076

The foregoing appropriation item GRF 898-402, Coal 65077

Development Office, shall be used for the administrative costs of 65078

the Coal Development Office. 65079

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 65080

The foregoing appropriation item GRF 898-901, Coal R & D 65081  
General Obligation Debt Service, shall be used to pay all debt 65082  
service and related financing costs at the times they are required 65083  
to be made during the period from July 1, 2007 to June 30, 2009 65084  
for obligations issued under sections 151.01 and 151.07 of the 65085  
Revised Code. 65086

SCIENCE AND TECHNOLOGY COLLABORATION 65087

The Air Quality Development Authority shall work in close 65088  
collaboration with the Department of Development, the Board of 65089  
Regents, and the Third Frontier Commission in relation to 65090  
appropriation items and programs referred to as Alignment Programs 65091  
in the following paragraph, and other technology-related 65092  
appropriations and programs in the Department of Development, Air 65093  
Quality Development Authority, and the Board of Regents as those 65094  
agencies may designate, to ensure implementation of a coherent 65095  
state strategy with respect to science and technology. 65096

To the extent permitted by law, the Air Quality Development 65097  
Authority shall assure that coal research and development 65098  
programs, proposals, and projects consider or incorporate 65099  
appropriate collaborations with Third Frontier Project programs 65100  
and grantees and with Alignment Programs and grantees. 65101

"Alignment Programs" means: appropriation items 195-401, 65102  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 65103  
Third Frontier Action Fund; 898-604, Coal Research and Development 65104  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 65105  
Institute of Technology; 235-510, Ohio Supercomputer Center; 65106  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 65107  
235-535, Ohio Agricultural Research and Development Center; 65108  
235-553, Dayton Area Graduate Studies Institute; 235-554, 65109

Priorities in Collaborative Graduate Education; 235-556, Ohio 65110  
Academic Resources Network; and 195-435, Biomedical Research and 65111  
Technology Transfer Trust. 65112

Consistent with the recommendations of the Governor's 65113  
Commission on Higher Education and the Economy, Alignment Programs 65114  
shall be managed and administered (1) to build on existing 65115  
competitive research strengths, (2) to encourage new and emerging 65116  
discoveries and commercialization of ideas and products that will 65117  
benefit the Ohio economy, and (3) to assure improved collaboration 65118  
among Alignment Programs, with programs administered by the Third 65119  
Frontier Commission, and with other state programs that are 65120  
intended to improve economic growth and job creation. 65121

As directed by the Third Frontier Commission, Alignment 65122  
Program managers shall report to the Commission or to the Third 65123  
Frontier Advisory Board on the contributions of their programs to 65124  
achieving the objectives stated in the preceding paragraph. 65125

Each alignment program shall be reviewed annually by the 65126  
Third Frontier Commission with respect to its development of 65127  
complementary relationships within a combined state science and 65128  
technology investment portfolio and its overall contribution to 65129  
the state's science and technology strategy, including the 65130  
adoption of appropriately consistent criteria for: (1) the 65131  
scientific merit of activities supported by the program; (2) the 65132  
relevance of the program's activities to commercial opportunities 65133  
in the private sector; (3) the private sector's involvement in a 65134  
process that continually evaluates commercial opportunities to use 65135  
the work supported by the program; and (4) the ability of the 65136  
program and recipients of grant funding from the program to engage 65137  
in activities that are collaborative, complementary, and efficient 65138  
with respect to the expenditure of state funds. Each alignment 65139  
program shall provide annual reports to the Third Frontier 65140  
Commission discussing existing, planned, or possible 65141

collaborations between programs and recipients of grant funding 65142  
related to technology, development, commercialization, and 65143  
supporting Ohio's economic development. The annual review by the 65144  
Third Frontier Commission shall be a comprehensive review of the 65145  
entire state science and technology program portfolio rather than 65146  
a review of individual programs. 65147

Applicants for Third Frontier and Alignment Program funding 65148  
shall identify their requirements for high-performance computing 65149  
facilities and services, including both hardware and software, in 65150  
all proposals. If an applicant's requirements exceed approximately 65151  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 65152  
convene a panel of experts. The panel shall review the proposal to 65153  
determine whether the proposal's requirements can be met through 65154  
Ohio Supercomputer Center facilities or through other means and 65155  
report its conclusion to the Third Frontier Commission. 65156

To ensure that the state receives the maximum benefit from 65157  
its investment in the Third Frontier Project and the Third 65158  
Frontier Network, organizations receiving Third Frontier awards 65159  
and Alignment Program awards shall, as appropriate, be expected to 65160  
have a connection to the Third Frontier Network that enables them 65161  
and their collaborators to achieve award objectives through the 65162  
Third Frontier Network. 65163

CORRECTIVE CASH TRANSFER 65164

On the effective date of this section, or as soon as possible 65165  
thereafter, the Director of Budget and Management may transfer 65166  
\$35,555.35 in cash from the General Revenue Fund (GRF) into the 65167  
Coal Research and Development Bond Services Fund (Fund 076) to 65168  
correct deposits that were mistakenly deposited into the General 65169  
Revenue Fund (GRF). 65170

**Section 219.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 65171  
SERVICES 65172



General Revenue Fund				65173
GRF 038-321 Operating Expenses	\$	1,071,861	\$ 1,071,861	65174
GRF 038-401 Treatment Services	\$	33,661,063	\$ 36,661,063	65175
GRF 038-404 Prevention Services	\$	1,052,127	\$ 1,552,127	65176
TOTAL GRF General Revenue Fund	\$	35,785,051	\$ 39,285,051	65177
General Services Fund				65178
5T9 038-616 Problem Gambling	\$	285,000	\$ 285,000	65179
Services				
TOTAL GSF General Services Fund	\$	285,000	\$ 285,000	65180
Group				
Federal Special Revenue Fund Group				65181
3CK 038-625 TANF	\$	5,000,000	\$ 5,000,000	65182
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	65183
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$ 73,000,000	65184
Grant				
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	65185
3J8 038-610 Medicaid	\$	46,000,000	\$ 46,000,000	65186
3N8 038-611 Administrative	\$	500,000	\$ 500,000	65187
Reimbursement				
TOTAL FED Federal Special Revenue				65188
Fund Group	\$	135,093,075	\$ 135,093,075	65189
State Special Revenue Fund Group				65190
475 038-621 Statewide Treatment	\$	18,000,000	\$ 18,000,000	65191
and Prevention				
5BR 038-406 Tobacco Use Prevention	\$	205,000	\$ 205,000	65192
and Control Program				
5DH 038-620 Fetal Alcohol Spectrum	\$	327,500	\$ 327,500	65193
Disorder				
689 038-604 Education and	\$	350,000	\$ 350,000	65194
Conferences				
TOTAL SSR State Special Revenue				65195
Fund Group	\$	18,882,500	\$ 18,882,500	65196

TOTAL ALL BUDGET FUND GROUPS	\$ 190,045,626	\$ 193,545,626	65197
TREATMENT SERVICES			65198
Of the foregoing appropriation item 038-401, Treatment Services, not more than \$8,190,000 shall be used by the Department of Alcohol and Drug Addiction Services for program grants for priority populations in each year of the biennium.			65199 65200 65201 65202
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN			65203
Of the foregoing appropriation item 038-401, Treatment Services, \$4 million in each fiscal year shall be used to provide substance abuse services to families involved in the child welfare system under the requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.			65204 65205 65206 65207 65208
THERAPEUTIC COMMUNITIES			65209
Of the foregoing appropriation item 038-401, Treatment Services, \$750,000 shall be used in each fiscal year for the Therapeutic Communities Program in the Department of Rehabilitation and Correction.			65210 65211 65212 65213
JUVENILE AFTERCARE PROGRAM			65214
Of the foregoing appropriation item 038-401, Treatment Services, \$2,500,000 shall be used in fiscal year 2009 for the Juvenile Aftercare Program to provide community-based alcohol and other drug treatment to parolees from the Department of Youth Services.			65215 65216 65217 65218 65219
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS			65220
Of the foregoing appropriation item 038-625, TANF Reimbursement, an amount up to \$5 million each year shall be used to reimburse counties for TANF-eligible expenditures for substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the federal poverty level. The Director of Alcohol and Drug Addiction Services			65221 65222 65223 65224 65225 65226

and the Director of Job and Family Services shall enter into an 65227  
interagency agreement that meets federal requirements. 65228

PERFORMANCE AUDIT 65229

The Auditor of State shall complete a performance audit of 65230  
the Department of Alcohol and Drug Addiction Services. Upon 65231  
completing the performance audit, the Auditor of State shall 65232  
submit a report of the findings of the audit to the Governor, the 65233  
President of the Senate, the Speaker of the House of 65234  
Representatives, and the Director of Alcohol and Drug Addiction 65235  
Services. Expenses incurred by the Auditor of State to conduct the 65236  
performance audit shall be reimbursed by the Department of Alcohol 65237  
and Drug Addiction Services. 65238

INTERNAL REVIEW 65239

The Director of Alcohol and Drug Addiction Services shall 65240  
consult with the Director of Budget and Management and 65241  
representatives of local and county alcohol and drug addiction 65242  
services agencies to conduct an internal review of policies and 65243  
procedures to increase efficiency and identify and eliminate 65244  
duplicative practices. Any savings identified as a result of the 65245  
internal review or the performance audit conducted by the Auditor 65246  
of State shall be used for community-based care. 65247

The Director of Alcohol and Drug Addiction Services shall 65248  
seek Controlling Board approval before expending any funds 65249  
identified as a result of the internal review or the performance 65250  
audit. 65251

**Section 221.10.** ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 65252

General Services Fund Group				65253	
4K9 891-609 Operating Expenses	\$	638,110	\$	565,141	65254
TOTAL GSF General Services Fund				65255	
Group	\$	638,110	\$	565,141	65256

TOTAL ALL BUDGET FUND GROUPS	\$	638,110	\$	565,141	65257
<b>Section 223.10. ART OHIO ARTS COUNCIL</b>					65259
General Revenue Fund					65260
GRF 370-100 Personal Services	\$	1,798,235	\$	1,798,235	65261
GRF 370-200 Maintenance	\$	459,746	\$	459,746	65262
GRF 370-300 Equipment	\$	82,700	\$	82,700	65263
GRF 370-502 State Program	\$	10,147,480	\$	10,147,480	65264
Subsidies					
TOTAL GRF General Revenue Fund	\$	12,488,161	\$	12,488,161	65265
General Services Fund Group					65266
4B7 370-603 Percent for Art	\$	86,366	\$	86,366	65267
Acquisitions					
460 370-602 Management Expenses	\$	285,000	\$	285,000	65268
and Donations					
TOTAL GSF General Services Fund	\$	371,366	\$	371,366	65269
Group					
Federal Special Revenue Fund Group					65270
314 370-601 Federal Support	\$	800,000	\$	800,000	65271
TOTAL FED Federal Special Revenue	\$	800,000	\$	800,000	65272
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,659,527	\$	13,659,527	65273
PROGRAM SUBSIDIES					65274
A museum is not eligible to receive funds from appropriation					65275
item 370-502, State Program Subsidies, if \$8,000,000 or more in					65276
capital appropriations were appropriated by the state for the					65277
museum between January 1, 1986, and December 31, 2002.					65278
<b>Section 225.10. ATH ATHLETIC COMMISSION</b>					65279
General Services Fund Group					65280
4K9 175-609 Operating Expenses	\$	255,850	\$	255,850	65281

TOTAL GSF General Services Fund	\$	255,850	\$	255,850	65282
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	65283
<b>Section 227.10. AGO ATTORNEY GENERAL</b>					65285
General Revenue Fund					65286
GRF 055-321 Operating Expenses	\$	54,063,833	\$	54,007,332	65287
GRF 055-411 County Sheriffs' Pay	\$	813,117	\$	842,134	65288
Supplement					
GRF 055-415 County Prosecutors'	\$	896,404	\$	923,888	65289
Pay Supplement					
TOTAL GRF General Revenue Fund	\$	55,773,354	\$	55,773,354	65290
General Services Fund Group					65291
106 055-612 General Reimbursement	\$	29,870,196	\$	29,870,196	65292
195 055-660 Workers' Compensation	\$	8,002,720	\$	8,002,720	65293
Section					
4Y7 055-608 Title Defect	\$	750,000	\$	750,000	65294
Rescission					
4Z2 055-609 BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	65295
and Cost Reimbursement					
418 055-615 Charitable Foundations	\$	6,919,850	\$	7,064,978	65296
420 055-603 Attorney General	\$	1,500,000	\$	1,500,000	65297
Antitrust					
421 055-617 Police Officers'	\$	2,000,000	\$	2,000,000	65298
Training Academy Fee					
5A9 055-618 Telemarketing Fraud	\$	7,500	\$	7,500	65299
Enforcement					
590 055-633 Peace Officer Private	\$	98,370	\$	98,370	65300
Security Fund					
629 055-636 Corrupt Activity	\$	15,000	\$	15,000	65301
Investigation and					
Prosecution					

631	055-637	Consumer Protection	\$	2,500,000	\$	2,500,000	65302
		Enforcement					
TOTAL GSF General Services Fund							65303
Group			\$	52,663,636	\$	52,808,764	65304
Federal Special Revenue Fund Group							65305
3E5	055-638	Attorney General	\$	2,850,000	\$	3,030,000	65306
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	4,870,000	\$	5,115,000	65307
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	65308
381	055-611	Civil Rights Legal	\$	402,540	\$	402,540	65309
		Service					
383	055-634	Crime Victims	\$	16,000,000	\$	16,000,000	65310
		Assistance					
TOTAL FED Federal Special Revenue							65311
Fund Group			\$	27,262,040	\$	27,844,040	65312
State Special Revenue Fund Group							65313
4L6	055-606	DARE	\$	3,927,962	\$	3,927,962	65314
402	055-616	Victims of Crime	\$	34,000,000	\$	34,000,000	65315
419	055-623	Claims Section	\$	25,000,000	\$	25,000,000	65316
659	055-641	Solid and Hazardous	\$	621,159	\$	621,159	65317
		Waste Background					
		Investigations					
TOTAL SSR State Special Revenue							65318
Fund Group			\$	63,549,121	\$	63,549,121	65319
Holding Account Redistribution Fund Group							65320
R04	055-631	General Holding	\$	1,000,000	\$	1,000,000	65321
		Account					
R05	055-632	Antitrust Settlements	\$	1,000	\$	1,000	65322
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	65323
R42	055-601	Organized Crime	\$	25,025	\$	25,025	65324
		Commission					

Distributions

TOTAL 090 Holding Account				65325	
Redistribution Fund Group	\$	1,776,025	\$	1,776,025	65326
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$	201,751,304	65327

COUNTY SHERIFFS' PAY SUPPLEMENT 65328

The foregoing appropriation item 055-411, County Sheriffs' 65329  
Pay Supplement, shall be used for the purpose of supplementing the 65330  
annual compensation of county sheriffs as required by section 65331  
325.06 of the Revised Code. 65332

At the request of the Attorney General, the Director of 65333  
Budget and Management may transfer appropriation authority from 65334  
appropriation item 055-321, Operating Expenses, to appropriation 65335  
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 65336  
authority so transferred to appropriation item 055-411, County 65337  
Sheriffs' Pay Supplement, shall be used to supplement the annual 65338  
compensation of county sheriffs as required by section 325.06 of 65339  
the Revised Code. 65340

COUNTY PROSECUTORS' PAY SUPPLEMENT 65341

The foregoing appropriation item 055-415, County Prosecutors' 65342  
Pay Supplement, shall be used for the purpose of supplementing the 65343  
annual compensation of certain county prosecutors as required by 65344  
section 325.111 of the Revised Code. 65345

At the request of the Attorney General, the Director of 65346  
Budget and Management may transfer appropriation authority from 65347  
appropriation item 055-321, Operating Expenses, to appropriation 65348  
item 055-415, County Prosecutors' Pay Supplement. Any 65349  
appropriation authority so transferred to appropriation item 65350  
055-415, County Prosecutors' Pay Supplement, shall be used to 65351  
supplement the annual compensation of county prosecutors as 65352  
required by section 325.111 of the Revised Code. 65353

WORKERS' COMPENSATION SECTION 65354

The Workers' Compensation Section Fund (Fund 195) is entitled 65355  
to receive payments from the Bureau of Workers' Compensation and 65356  
the Ohio Industrial Commission at the beginning of each quarter of 65357  
each fiscal year to fund legal services to be provided to the 65358  
Bureau of Workers' Compensation and the Ohio Industrial Commission 65359  
during the ensuing quarter. The advance payment shall be subject 65360  
to adjustment. 65361

In addition, the Bureau of Workers' Compensation shall 65362  
transfer payments at the beginning of each quarter for the support 65363  
of the Workers' Compensation Fraud Unit. 65364

All amounts shall be mutually agreed upon by the Attorney 65365  
General, the Bureau of Workers' Compensation, and the Ohio 65366  
Industrial Commission. 65367

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 65368

The foregoing appropriation item 055-636, Corrupt Activity 65369  
Investigation and Prosecution, shall be used as provided by 65370  
division (D)(2) of section 2923.35 of the Revised Code to dispose 65371  
of the proceeds, fines, and penalties credited to the Corrupt 65372  
Activity Investigation and Prosecution Fund, which is created in 65373  
division (D)(1)(b) of section 2923.35 of the Revised Code. 65374

GENERAL HOLDING ACCOUNT 65375

The foregoing appropriation item 055-631, General Holding 65376  
Account, shall be used to distribute moneys under the terms of 65377  
relevant court orders received from settlements in a variety of 65378  
cases involving the Office of the Attorney General. 65379

ATTORNEY GENERAL PASS-THROUGH FUNDS 65380

The foregoing appropriation item 055-638, Attorney General 65381  
Pass-Through Funds, shall be used to receive federal grant funds 65382  
provided to the Attorney General by other state agencies, 65383  
including, but not limited to, the Department of Youth Services 65384



and the Department of Public Safety.	65385
ANTITRUST SETTLEMENTS	65386
The foregoing appropriation item 055-632, Antitrust	65387
Settlements, shall be used to distribute court-ordered antitrust	65388
settlements in which the Office of Attorney General represents the	65389
state or a political subdivision under section 109.81 of the	65390
Revised Code.	65391
CONSUMER FRAUDS	65392
The foregoing appropriation item 055-630, Consumer Frauds,	65393
shall be used for distribution of moneys from court-ordered	65394
judgments against sellers in actions brought by the Office of	65395
Attorney General under sections 1334.08 and 4549.48 and division	65396
(B) of section 1345.07 of the Revised Code. These moneys shall be	65397
used to provide restitution to consumers victimized by the fraud	65398
that generated the court-ordered judgments.	65399
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	65400
The foregoing appropriation item 055-601, Organized Crime	65401
Commission Distributions, shall be used by the Organized Crime	65402
Investigations Commission, as provided by section 177.011 of the	65403
Revised Code, to reimburse political subdivisions for the expenses	65404
the political subdivisions incur when their law enforcement	65405
officers participate in an organized crime task force.	65406
BCI ASSET FORFEITURE AND COST REIMBURSEMENT	65407
The Bureau of Criminal Identification and Investigation Asset	65408
Forfeiture and Cost Reimbursement Fund created by section 109.521	65409
of the Revised Code is the same fund as the BCI Asset Forfeiture	65410
and Cost Reimbursement Fund created by the Controlling Board in	65411
January 1997.	65412
FUND ADJUSTMENTS	65413
On July 1, 2007, or as soon as practicable thereafter, the	65414

Director of Budget and Management shall transfer the cash balance 65415  
in the Employment Services Fund (Fund 107) to the General 65416  
Reimbursement Fund (Fund 106). The Director shall cancel any 65417  
existing encumbrances against appropriation item 055-624, 65418  
Employment Services, and re-establish them against appropriation 65419  
item 055-612, General Reimbursement. The amounts of the 65420  
re-established encumbrances are hereby appropriated. Upon 65421  
completion of these transfers, the Employment Services Fund (Fund 65422  
107) is hereby abolished. 65423

On July 1, 2007, or as soon as practicable thereafter, the 65424  
Director of Budget and Management shall transfer the cash balance 65425  
in the Crime Victims Compensation Fund (Fund 108) to the 65426  
Reparations Fund (Fund 402). Upon completion of this transfer, the 65427  
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 65428

**Section 229.10. AUD AUDITOR OF STATE** 65429

General Revenue Fund 65430

GRF 070-321 Operating Expenses	\$	31,469,552	\$	32,771,482	65431
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GRF 070-403 Fiscal Watch/Emergency	\$	600,000	\$	600,000	65432
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Technical Assistance

TOTAL GRF General Revenue Fund	\$	32,069,552	\$	33,371,482	65433
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Auditor of State Fund Group 65434

109 070-601 Public Audit Expense -	\$	11,000,000	\$	11,000,000	65435
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Intra-State

422 070-601 Public Audit Expense -	\$	33,000,000	\$	34,000,000	65436
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Local Government

584 070-603 Training Program	\$	181,250	\$	181,250	65437
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675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	65438
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Network

TOTAL AUD Auditor of State Fund					65439
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Group	\$	47,498,586	\$	48,498,586	65440
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TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	65441
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FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 65442

The foregoing appropriation item 070-403, Fiscal 65443  
Watch/Emergency Technical Assistance, shall be used for expenses 65444  
incurred by the Office of the Auditor of State in its role 65445  
relating to fiscal watch or fiscal emergency activities under 65446  
Chapters 118. and 3316. of the Revised Code. Expenses include, but 65447  
are not limited to, the following: duties related to the 65448  
determination or termination of fiscal watch or fiscal emergency 65449  
of municipal corporations, counties, or townships as outlined in 65450  
Chapter 118. of the Revised Code and of school districts as 65451  
outlined in Chapter 3316. of the Revised Code; development of 65452  
preliminary accounting reports; performance of annual forecasts; 65453  
provision of performance audits; and supervisory, accounting, or 65454  
auditing services for the mentioned public entities and school 65455  
districts. The unencumbered balance of appropriation item 070-403, 65456  
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 65457  
year 2008 is transferred to fiscal year 2009 for use under the 65458  
same appropriation item. 65459

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 65460  
TRANSFER 65461

Upon the request of the Auditor of State, and subject to 65462  
approval from the Controlling Board, effective July 1, 2007, or as 65463  
soon thereafter as possible, the Director of Budget and Management 65464  
shall transfer the appropriation balance in GRF appropriation item 65465  
070-406, Uniform Accounting Network/Technology Improvements Fund, 65466  
to GRF appropriation item 070-321, Operating Expenses. The 65467  
Director shall cancel any existing encumbrances against GRF 65468  
appropriation item 070-406, Uniform Accounting Network/Technology 65469  
Improvement Fund, and re-establish them against GRF appropriation 65470  
item 070-321, Operating Expenses. The amounts of the 65471  
re-established encumbrances are hereby appropriated. 65472

<b>Section 231.10. BRB BOARD OF BARBER EXAMINERS</b>				65473
General Services Fund Group				65474
4K9 877-609 Operating Expenses	\$	608,045	\$ 628,264	65475
TOTAL GSF General Services Fund				65476
Group	\$	608,045	\$ 628,264	65477
TOTAL ALL BUDGET FUND GROUPS				65478
 <b>Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>				 65480
General Revenue Fund				65481
GRF 042-321 Budget Development and	\$	2,026,011	\$ 2,128,284	65482
Implementation				
GRF 042-410 National Association	\$	28,700	\$ 29,561	65483
Dues				
GRF 042-412 Audit of Auditor of	\$	60,460	\$ 60,460	65484
State				
GRF 042-413 Payment Issuance	\$	1,191,802	\$ 1,150,192	65485
GRF 042-416 Medicaid Agency	\$	0	\$ 1,500,000	65486
Transition				
TOTAL GRF General Revenue Fund				65487
General Services Fund Group				65488
105 042-603 State Accounting and	\$	12,115,134	\$ 12,742,551	65489
Budgeting				
TOTAL GSF General Services Fund				65490
Group				
Federal Special Revenue Fund Group				65491
3CM 042-606 Medicaid Agency	\$	0	\$ 1,500,000	65492
Transition				
TOTAL FED Federal Special Revenue				65493
Fund Group				
State Special Revenue Fund Group				65494
5N4 042-602 OAKS Project	\$	2,200,725	\$ 2,132,168	65495

Implementation

TOTAL SSR State Special Revenue	\$	2,200,725	\$	2,132,168	65496
Fund Group					
Agency Fund Group					65497
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	65498
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	65499
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	65500

AUDIT COSTS 65501

Of the foregoing appropriation item 042-603, State Accounting 65502  
and Budgeting, not more than \$435,000 in fiscal year 2008 and 65503  
\$445,000 in fiscal year 2009 shall be used to pay for centralized 65504  
audit costs associated with either Single Audit Schedules or 65505  
financial statements prepared in conformance with generally 65506  
accepted accounting principles for the state. 65507

**Section 233.20. OAKS SUPPORT ORGANIZATION** 65508

The OAKS Support Organization shall operate and maintain the 65509  
financial management module of the state's enterprise resource 65510  
planning system to support the activities of the Office of Budget 65511  
and Management. The OAKS Support Organization shall recover the 65512  
costs to establish and maintain the enterprise resource planning 65513  
system through billings to the Office of Budget and Management. 65514

Effective July 1, 2007, the Office of Budget Management shall 65515  
include the recovery of costs to administer the financial module 65516  
of the OAKS System in the accounting and budgeting services 65517  
payroll rate. These revenues shall be deposited to the credit of 65518  
the Accounting and Budgeting Services Fund (Fund 105). Amounts 65519  
deposited under this section are hereby appropriated to 65520  
appropriation item 042-603, State Accounting and Budgeting. Not 65521  
less than quarterly, the Office of Budget and Management shall 65522  
process the intrastate transfer voucher billings to transfer the 65523  
Accounting and Budgeting Services Fund (Fund 105) to the OAKS 65524

Support Organization Fund (Fund 5EB), to pay for the OAKS Support Organization Costs.				65525
				65526
TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND				65527
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).				65528
				65529
				65530
<b>Section 235.10.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				65531
General Revenue Fund				65532
GRF 874-100 Personal Services	\$	2,057,000	\$ 2,057,000	65533
GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$ 1,080,837	65534
TOTAL GRF General Revenue Fund	\$	3,142,837	\$ 3,137,837	65535
General Services Fund Group				65536
4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$ 15,000	65537
4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$ 650,484	65538
TOTAL GSF General Services Fund Group	\$	665,484	\$ 665,484	65539
				65540
Underground Parking Garage				65541
208 874-601 Underground Parking Garage Operations	\$	2,706,993	\$ 2,706,993	65542
TOTAL UPG Underground Parking Garage	\$	2,706,993	\$ 2,706,993	65543
				65544
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$ 6,510,314	65545
<b>Section 237.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				65547
				65548
General Services Fund Group				65549

4K9 233-601 Operating Expenses	\$	552,300	\$	572,700	65550
TOTAL GSF General Services Fund	\$	552,300	\$	572,700	65551
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	552,300	\$	572,700	65552
<b>Section 239.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					65554
General Services Fund Group					65555
4K9 930-609 Operating Expenses	\$	530,864	\$	551,146	65556
TOTAL GSF General Services Fund	\$	530,864	\$	551,146	65557
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	530,864	\$	551,146	65558
<b>Section 241.10.</b> CHR STATE CHIROPRACTIC BOARD					65560
General Services Fund Group					65561
4K9 878-609 Operating Expenses	\$	607,445	\$	621,621	65562
TOTAL GSF General Services Fund	\$	607,445	\$	621,621	65563
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	65564
<b>Section 243.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION					65566
General Revenue Fund					65567
GRF 876-321 Operating Expenses	\$	7,415,134	\$	7,097,134	65568
TOTAL GRF General Revenue Fund	\$	7,415,134	\$	7,097,134	65569
Federal Special Revenue Fund Group					65570
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	65571
TOTAL FED Federal Special Revenue					65572
Fund Group	\$	3,965,507	\$	4,602,185	65573
State Special Revenue Fund Group					65574
217 876-604 Operations Support	\$	60,000	\$	60,000	65575
TOTAL SSR State Special					65576
Revenue Fund Group	\$	60,000	\$	60,000	65577
TOTAL ALL BUDGET FUND GROUPS	\$	11,440,641	\$	11,759,319	65578

OPERATING EXPENSES				65579
Of the foregoing appropriation item 876-321, Operating				65580
Expenses, at least \$318,000 in fiscal year 2008 is to be used to				65581
purchase computer and information technology equipment.				65582
<b>Section 245.10. COM DEPARTMENT OF COMMERCE</b>				65583
General Revenue Fund				65584
GRF 800-410 Labor and Worker	\$	2,132,396	\$ 2,132,396	65585
Safety				
Total GRF General Revenue Fund	\$	2,132,396	\$ 2,132,396	65586
General Services Fund Group				65587
163 800-620 Division of	\$	4,323,037	\$ 4,413,037	65588
Administration				
163 800-637 Information Technology	\$	6,650,150	\$ 6,780,963	65589
5F1 800-635 Small Government Fire	\$	300,000	\$ 300,000	65590
Departments				
543 800-602 Unclaimed	\$	7,880,468	\$ 8,049,937	65591
Funds-Operating				
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$ 75,000,000	65592
TOTAL GSF General Services Fund				65593
Group	\$	89,153,655	\$ 94,543,937	65594
Federal Special Revenue Fund Group				65595
348 800-622 Underground Storage	\$	195,008	\$ 195,008	65596
Tanks				
348 800-624 Leaking Underground	\$	1,850,000	\$ 1,850,000	65597
Storage Tanks				
TOTAL FED Federal Special Revenue				65598
Fund Group	\$	2,045,008	\$ 2,045,008	65599
State Special Revenue Fund Group				65600
4B2 800-631 Real Estate Appraisal	\$	35,000	\$ 35,000	65601
Recovery				



4H9 800-608	Cemeteries	\$	273,465	\$	273,465	65602
4X2 800-619	Financial Institutions	\$	2,474,414	\$	2,523,918	65603
5K7 800-621	Penalty Enforcement	\$	50,000	\$	50,000	65604
544 800-612	Banks	\$	6,516,507	\$	6,703,253	65605
545 800-613	Savings Institutions	\$	2,244,370	\$	2,286,616	65606
546 800-610	Fire Marshal	\$	13,104,393	\$	13,579,150	65607
546 800-639	Fire Department Grants	\$	1,647,140	\$	1,647,140	65608
546 800-640	Homeland Security	\$	10,000	\$	10,000	65609
	Grants					
547 800-603	Real Estate	\$	250,000	\$	250,000	65610
	Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$	50,000	65611
549 800-614	Real Estate	\$	3,480,038	\$	3,574,171	65612
550 800-617	Securities	\$	4,312,453	\$	4,473,094	65613
552 800-604	Credit Union	\$	3,521,037	\$	3,627,390	65614
553 800-607	Consumer Finance	\$	5,800,445	\$	5,800,445	65615
556 800-615	Industrial Compliance	\$	25,033,908	\$	25,570,011	65616
6A4 800-630	Real Estate	\$	664,006	\$	664,006	65617
	Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,512,512	\$	1,467,160	65618
	Fee					
TOTAL SSR	State Special Revenue					65619
Fund Group		\$	70,979,688	\$	72,584,819	65620
Liquor Control	Fund Group					65621
043 800-601	Merchandising	\$	440,499,979	\$	464,027,015	65622
043 800-627	Liquor Control	\$	15,980,724	\$	16,334,583	65623
	Operating					
043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	65624
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	65625
	Service					
TOTAL LCF	Liquor Control					65626
Fund Group		\$	502,780,403	\$	534,661,698	65627

TOTAL ALL BUDGET FUND GROUPS	\$ 667,091,150	\$ 705,967,858	65628
SMALL GOVERNMENT FIRE DEPARTMENTS			65629
Notwithstanding section 3737.17 of the Revised Code, the			65630
foregoing appropriation item 800-635, Small Government Fire			65631
Departments, may be used to provide loans to private fire			65632
departments.			65633
UNCLAIMED FUNDS PAYMENTS			65634
The foregoing appropriation item 800-625, Unclaimed			65635
Funds-Claims, shall be used to pay claims under section 169.08 of			65636
the Revised Code. If it is determined that additional amounts are			65637
necessary, the amounts are hereby appropriated.			65638
UNCLAIMED FUNDS TRANSFERS			65639
Notwithstanding division (A) of section 169.05 of the Revised			65640
Code, prior to June 30, 2008, and upon the request of the Director			65641
of Budget and Management, the Director of Commerce shall transfer			65642
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			65643
that have been reported by holders of unclaimed funds under			65644
section 169.05 of the Revised Code, irrespective of the allocation			65645
of the unclaimed funds under that section.			65646
Notwithstanding division (A) of section 169.05 of the Revised			65647
Code, prior to June 30, 2009, and upon the request of the Director			65648
of Budget and Management, the Director of Commerce shall transfer			65649
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			65650
that have been reported by holders of unclaimed funds under			65651
section 169.05 of the Revised Code, irrespective of the allocation			65652
of the unclaimed funds under that section.			65653
CASH TRANSFER TO GENERAL REVENUE FUND			65654
Notwithstanding any other law to the contrary, the Director			65655
of Budget and Management shall transfer up to \$5,700,000 in cash			65656
in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year			65657

2009 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund. 65658  
65659

FIRE DEPARTMENT GRANTS 65660

Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$760,000 in each fiscal year shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules as are necessary for the administration and operation of the grant program. 65661  
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$687,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships. 65669  
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$200,000 in each fiscal year shall be used to make grants to fire departments to assist in the conversion of existing data systems to the NFIRS 5 electronic fire reporting system. Under rules that the department shall adopt, awards shall have a maximum of \$50,000 per fire department and shall be based on a point system that includes factors such as consideration of the fire department's information technology and operating budgets, population and area served, number of incidents, data conversion and implementation methods, and readiness. 65680  
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CASH TRANSFER TO REAL ESTATE OPERATING FUND 65690

At the request of the Director of Commerce, the Director of 65691  
Budget and Management may transfer up to \$100,000 in cash from the 65692  
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 65693  
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 65694  
Real Estate Operating Fund (Fund 549) during fiscal years 65695  
2008-2009. 65696

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 65697

The foregoing appropriation item 800-601, Merchandising, 65698  
shall be used under section 4301.12 of the Revised Code. If it is 65699  
determined that additional amounts are necessary, the amounts are 65700  
hereby appropriated. 65701

DEVELOPMENT ASSISTANCE DEBT SERVICE 65702

The foregoing appropriation item 800-633, Development 65703  
Assistance Debt Service, shall be used to pay debt service and 65704  
related financing costs at the times they are required to be made 65705  
during the period from July 1, 2007, to June 30, 2009, for bond 65706  
service charges on obligations issued under Chapter 166. of the 65707  
Revised Code. If it is determined that additional appropriations 65708  
are necessary for this purpose, such amounts are hereby 65709  
appropriated, subject to the limitations set forth in section 65710  
166.11 of the Revised Code. An appropriation for this purpose is 65711  
not required, but is made in this form and in this act for record 65712  
purposes only. 65713

REVITALIZATION DEBT SERVICE 65714

The foregoing appropriation item 800-636, Revitalization Debt 65715  
Service, shall be used to pay debt service and related financing 65716  
costs under sections 151.01 and 151.40 of the Revised Code during 65717  
the period from July 1, 2007, to June 30, 2009. If it is 65718  
determined that additional appropriations are necessary for this 65719  
purpose, such amounts are hereby appropriated. The General 65720

Assembly acknowledges the priority of the pledge of a portion of 65721  
receipts from that source to obligations issued and to be issued 65722  
under Chapter 166. of the Revised Code. 65723

ADMINISTRATIVE ASSESSMENTS 65724

Notwithstanding any other provision of law to the contrary, 65725  
Fund 163, Division of Administration, is entitled to receive 65726  
assessments from all operating funds of the department in 65727  
accordance with procedures prescribed by the Director of Commerce 65728  
and approved by the Director of Budget and Management. 65729

**Section 247.10.** OCC OFFICE OF CONSUMERS' COUNSEL 65730

General Services Fund Group 65731

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 65732

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 65733

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 65734

**Section 249.10.** CEB CONTROLLING BOARD 65736

General Revenue Fund 65737

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 65738

GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000 65739

Costs

TOTAL GRF General Revenue Fund \$ 950,000 \$ 950,000 65740

TOTAL ALL BUDGET FUND GROUPS \$ 950,000 \$ 950,000 65741

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 65742

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 65743

Notwithstanding any other provision of law to the contrary, 65744  
the Director of Budget and Management may, with Controlling Board 65745  
approval, transfer up to \$4,000,000 in cash, in each of fiscal 65746  
years 2008 and 2009, from the Disaster Services Fund (Fund 5E2) to 65747  
the General Revenue Fund. Upon completion of the transfer, the 65748

Director of Budget and Management shall appropriate the 65749  
transferred amount to appropriation item 911-401, Emergency 65750  
Purposes/Contingencies. The Controlling Board may, at the request 65751  
of any state agency or the Director of Budget and Management, 65752  
transfer all or part of the appropriation in appropriation item 65753  
911-401, Emergency Purposes/Contingencies, for the purpose of 65754  
providing disaster and emergency situation aid to state agencies 65755  
and political subdivisions in the event of disasters and emergency 65756  
situations or for the other purposes noted in this section, 65757  
including, but not limited to, costs related to the disturbance 65758  
that occurred on April 11, 1993, at the Southern Ohio Correctional 65759  
Facility in Lucasville, Ohio. 65760

FEDERAL SHARE 65761

In transferring appropriations to or from appropriation items 65762  
that have federal shares identified in this act, the Controlling 65763  
Board shall add or subtract corresponding amounts of federal 65764  
matching funds at the percentages indicated by the state and 65765  
federal division of the appropriations in this act. Such changes 65766  
are hereby appropriated. 65767

DISASTER ASSISTANCE 65768

Pursuant to requests submitted by the Department of Public 65769  
Safety, the Controlling Board may approve transfers from 65770  
appropriation item 911-401, Emergency Purposes/Contingencies, to 65771  
Department of Public Safety appropriation items to provide funding 65772  
for assistance to political subdivisions and individuals made 65773  
necessary by natural disasters or emergencies. Such transfers may 65774  
be requested and approved prior to or following the occurrence of 65775  
any specific natural disasters or emergencies in order to 65776  
facilitate the provision of timely assistance. 65777

DISASTER SERVICES 65778

Pursuant to requests submitted by the Department of Public 65779

Safety, the Controlling Board may approve transfers from the 65780  
Disaster Services Fund (5E2) to a Department of Public Safety fund 65781  
and appropriation item to provide for assistance to political 65782  
subdivisions made necessary by natural disasters or emergencies. 65783  
These transfers may be requested and approved prior to the 65784  
occurrence of any specific natural disasters or emergencies in 65785  
order to facilitate the provision of timely assistance. The 65786  
Emergency Management Agency of the Department of Public Safety 65787  
shall use the funding to fund the State Disaster Relief Program 65788  
for disasters that have been declared by the Governor, and the 65789  
State Individual Assistance Program for disasters that have been 65790  
declared by the Governor and the federal Small Business 65791  
Administration. The Ohio Emergency Management Agency shall publish 65792  
and make available application packets outlining procedures for 65793  
the State Disaster Relief Program and the State Individual 65794  
Assistance Program. 65795

The Disaster Services Fund (5E2) shall be used by the 65796  
Controlling Board, pursuant to requests submitted by state 65797  
agencies, to transfer cash and appropriation authority to any fund 65798  
and appropriation item for the payment of state agency disaster 65799  
relief program expenses for disasters declared by the Governor, if 65800  
the Director of Budget and Management determines that sufficient 65801  
funds exist. 65802

The unencumbered balance of the Disaster Services Fund (5E2) 65803  
at the end of fiscal year 2008 is transferred to fiscal year 2009 65804  
for use for the same purposes as in fiscal year 2009. 65805

SOUTHERN OHIO CORRECTIONAL FACILITY COST 65806

The Division of Criminal Justice Services in the Department 65807  
of Public Safety and the Public Defender Commission may each 65808  
request, upon approval of the Director of Budget and Management, 65809  
additional funds from appropriation item 911-401, Emergency 65810  
Purposes/Contingencies, for costs related to the disturbance that 65811

occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio. 65812  
65813

MANDATE ASSISTANCE 65814

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates: 65815  
65816  
65817  
65818

(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; 65819  
65820  
65821  
65822

(2) The cost to school districts of in-service training for child abuse detection. 65823  
65824

(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. 65825  
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	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	65833 65834 65835 65836
Child Abuse Detection Training Costs	Department of Education	\$500,000	65837

(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 65838  
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Controlling Board that amounts smaller or larger than these 65842  
estimated annual amounts be transferred to each program. 65843

(D) In addition to making the initial transfers requested by 65844  
the Division of Criminal Justice Services in the Department of 65845  
Public Safety and the Department of Education, the Controlling 65846  
Board may transfer appropriations received by a state agency under 65847  
this section back to appropriation item 911-404, Mandate 65848  
Assistance, or to the other program of state financial assistance 65849  
identified under this section. 65850

(E) It is expected that not all costs incurred by local units 65851  
of government and school districts under each of the two programs 65852  
of state financial assistance identified in this section will be 65853  
fully reimbursed by the state. Reimbursement levels may vary by 65854  
program and shall be based on: the relationship between the 65855  
appropriation transfers requested by the Division of Criminal 65856  
Justice Services in the Department of Public Safety and the 65857  
Department of Education and provided by the Controlling Board for 65858  
each of the programs; the rules and procedures established for 65859  
each program by the administering state agency; and the actual 65860  
costs incurred by local units of government and school districts. 65861

(F) Each of these programs of state financial assistance 65862  
shall be carried out as follows: 65863

(1) PROSECUTION COSTS 65864

(a) Appropriations may be transferred to the Division of 65865  
Criminal Justice Services in the Department of Public Safety to 65866  
cover local prosecution costs for aggravated murder, murder, 65867  
felonies of the first degree, and felonies of the second degree 65868  
that occur on the grounds of institutions operated by the 65869  
Department of Rehabilitation and Correction and the Department of 65870  
Youth Services. 65871

(b) Upon a delinquency filing in juvenile court or the return 65872

of an indictment for aggravated murder, murder, or any felony of 65873  
the first or second degree that was committed at a Department of 65874  
Youth Services or a Department of Rehabilitation and Correction 65875  
institution, the affected county may, in accordance with rules 65876  
that the Division of Criminal Justice Services in the Department 65877  
of Public Safety shall adopt, apply to the Division of Criminal 65878  
Justice Services for a grant to cover all documented costs that 65879  
are incurred by the county prosecutor's office. 65880

(c) Twice each year, the Division of Criminal Justice 65881  
Services in the Department of Public Safety shall designate 65882  
counties to receive grants from those counties that have submitted 65883  
one or more applications in compliance with the rules that have 65884  
been adopted by the Division of Criminal Justice Services for the 65885  
receipt of such grants. In each year's first round of grant 65886  
awards, if sufficient appropriations have been made, up to a total 65887  
of \$100,000 may be awarded. In each year's second round of grant 65888  
awards, the remaining appropriations available for this purpose 65889  
may be awarded. 65890

(d) If for a given round of grants there are insufficient 65891  
appropriations to make grant awards to all the eligible counties, 65892  
the first priority shall be given to counties with cases involving 65893  
aggravated murder and murder; second priority shall be given to 65894  
counties with cases involving a felony of the first degree; and 65895  
third priority shall be given to counties with cases involving a 65896  
felony of the second degree. Within these priorities, the grant 65897  
awards shall be based on the order in which the applications were 65898  
received, except that applications for cases involving a felony of 65899  
the first or second degree shall not be considered in more than 65900  
two consecutive rounds of grant awards. 65901

(2) CHILD ABUSE DETECTION TRAINING COSTS 65902

Appropriations may be transferred to the Department of 65903  
Education for disbursement to local school districts as full or 65904

partial reimbursement for the cost of providing in-service 65905  
training for child abuse detection. In accordance with rules that 65906  
the department shall adopt, a local school district may apply to 65907  
the department for a grant to cover all documented costs that are 65908  
incurred to provide in-service training for child abuse detection. 65909  
The department shall make grants within the limits of the funding 65910  
provided. 65911

(G) Any moneys allocated within appropriation item 911-404, 65912  
Mandate Assistance, not fully utilized may, upon application of 65913  
the Ohio Public Defender Commission, and with the approval of the 65914  
Controlling Board, be disbursed to boards of county commissioners 65915  
to provide additional reimbursement for the costs incurred by 65916  
counties in providing defense to indigent defendants pursuant to 65917  
Chapter 120. of the Revised Code. Application for the unutilized 65918  
funds shall be made by the Ohio Public Defender Commission at the 65919  
first June meeting of the Controlling Board. 65920

The amount to be disbursed to each county shall be allocated 65921  
proportionately on the basis of the total amount of reimbursement 65922  
paid to each county as a percentage of the amount of reimbursement 65923  
paid to all of the counties during the most recent state fiscal 65924  
year for which data is available and as calculated by the Ohio 65925  
Public Defender Commission. 65926

**BALLOT ADVERTISING COSTS** 65927

Pursuant to requests submitted by the Ohio Ballot Board, the 65928  
Controlling Board shall approve transfers from the foregoing 65929  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 65930  
Ballot Board appropriation item in order to reimburse county 65931  
boards of elections for the cost of public notices associated with 65932  
statewide ballot initiatives. 65933

**Section 251.10. COS STATE BOARD OF COSMETOLOGY** 65934

General Services Fund Group				65935
4K9 879-609 Operating Expenses	\$	3,533,679	\$ 3,533,679	65936
TOTAL GSF General Services Fund				65937
Group	\$	3,533,679	\$ 3,533,679	65938
TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$ 3,533,679	65939

**Section 253.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 65941  
**AND FAMILY THERAPIST BOARD** 65942

General Services Fund Group				65943
4K9 899-609 Operating Expenses	\$	1,124,267	\$ 1,179,774	65944
TOTAL GSF General Services Fund				65945
Group	\$	1,124,267	\$ 1,179,774	65946
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$ 1,179,774	65947

**Section 255.10. CLA COURT OF CLAIMS** 65949

General Revenue Fund				65950
GRF 015-321 Operating Expenses	\$	2,758,681	\$ 2,841,441	65951
TOTAL GRF General Revenue Fund	\$	2,758,681	\$ 2,841,441	65952
State Special Revenue Fund Group				65953
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$ 1,582,684	65954
TOTAL SSR State Special Revenue				65955
Fund Group	\$	1,582,684	\$ 1,582,684	65956
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$ 4,424,125	65957

**Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION** 65959

General Revenue Fund				65960
GRF 371-321 Operating Expenses	\$	176,136	\$ 176,136	65961
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$ 37,455,500	65962
TOTAL GRF General Revenue Fund	\$	36,780,736	\$ 37,631,636	65963
State Special Revenue Fund Group				65964
4T8 371-601 Riffe Theatre	\$	81,000	\$ 81,000	65965

Equipment Maintenance				
4T8 371-603	Project Administration	\$ 1,302,866	\$ 1,302,866	65966
Services				
TOTAL SSR State Special Revenue		\$ 1,383,866	\$ 1,383,866	65967
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 38,164,602	\$ 39,015,502	65968
LEASE RENTAL PAYMENTS				65969
The foregoing appropriation item 371-401, Lease Rental				65970
Payments, shall be used to meet all payments from the Ohio				65971
Cultural Facilities Commissions to the Treasurer of State during				65972
the period from July 1, 2007, to June 30, 2009, under the primary				65973
leases and agreements for those arts and sports facilities made				65974
under Chapters 152. and 154. of the Revised Code. This				65975
appropriation is the source of funds pledged for bond service				65976
charges on related obligations issued pursuant to Chapters 152.				65977
and 154. of the Revised Code.				65978
OPERATING EXPENSES				65979
The foregoing appropriation item 371-321, Operating Expenses,				65980
shall be used by the Ohio Cultural Facilities Commission to carry				65981
out its responsibilities under this section and Chapter 3383. of				65982
the Revised Code.				65983
By the tenth day following each calendar quarter in each				65984
fiscal year, or as soon as possible thereafter, the Director of				65985
Budget and Management shall determine the amount of cash from				65986
interest earnings to be transferred from the Cultural and Sports				65987
Facilities Building Fund (Fund 030) to the Cultural Facilities				65988
Commission Administration Fund (Fund 4T8).				65989
As soon as possible after each bond issuance made on behalf				65990
of the Cultural Facilities Commission, the Director of Budget and				65991
Management shall determine the amount of cash from any premium				65992
paid on each issuance that is available to be transferred after				65993

all issuance costs have been paid from the Cultural and Sports 65994  
 Facilities Building Fund (Fund 030) to the Cultural Facilities 65995  
 Commission Administration Fund (Fund 4T8). 65996

**CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS** 65997

The Executive Director of the Cultural Facilities Commission 65998  
 shall certify to the Director of Budget and Management the amount 65999  
 of cash receipts and related investment income, irrevocable 66000  
 letters of credit from a bank, or certification of the 66001  
 availability of funds that have been received from a county or a 66002  
 municipal corporation for deposit into the Capital Donations Fund 66003  
 (Fund 5A1) and are related to an anticipated project. These 66004  
 amounts are hereby appropriated to appropriation item CAP-702, 66005  
 Capital Donations. Prior to certifying these amounts to the 66006  
 Director, the Executive Director shall make a written agreement 66007  
 with the participating entity on the necessary cash flows required 66008  
 for the anticipated construction or equipment acquisition project. 66009

**Section 259.10. DEN STATE DENTAL BOARD** 66010

General Services Fund Group 66011  
 4K9 880-609 Operating Expenses \$ 1,437,392 \$ 1,528,749 66012  
 TOTAL GSF General Services Fund 66013  
 Group \$ 1,437,392 \$ 1,528,749 66014  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,437,392 \$ 1,528,749 66015

**Section 261.10. BDP BOARD OF DEPOSIT** 66017

General Services Fund Group 66018  
 4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000 66019  
 TOTAL GSF General Services Fund 66020  
 Group \$ 1,676,000 \$ 1,676,000 66021  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000 66022

**BOARD OF DEPOSIT EXPENSE FUND** 66023

Upon receiving certification of expenses from the Treasurer 66024  
of State, the Director of Budget and Management shall transfer 66025  
cash from the Investment Earnings Redistribution Fund (Fund 608) 66026  
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 66027  
shall be used to pay for banking charges and fees required for the 66028  
operation of the State of Ohio Regular Account. 66029

**Section 263.10.** DEV DEPARTMENT OF DEVELOPMENT 66030

General Revenue Fund 66031

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 66032

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 66033

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 66034

Development Division

GRF 195-407 Travel and Tourism \$ 1,800,000 \$ 1,800,000 66035

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 66036

Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 66037

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 66038

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 66039

Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 66040

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 66041

Implementation

GRF 195-432 International Trade \$ 4,650,501 \$ 4,650,501 66042

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,594,325 66043

Grants

GRF 195-436 Labor/Management \$ 836,225 \$ 836,225 66044

Cooperation

GRF 195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	66045
GRF 195-498	State Match Energy	\$	96,820	\$	96,820	66046
GRF 195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	66047
GRF 195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	66048
GRF 195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000	66049
GRF 195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	66050
GRF 195-520	Ohio Main Street Program	\$	750,000	\$	250,000	66051
GRF 195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	66052
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	66053
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500	66054
TOTAL GRF	General Revenue Fund	\$	118,307,534	\$	124,315,484	66055
	General Services Fund Group					66056
135 195-684	Supportive Services	\$	11,699,404	\$	11,321,444	66057
5AD 195-667	Investment in Training Expansion	\$	2,000,000	\$	0	66058
5AD 195-668	Workforce Guarantee Program	\$	1,000,000	\$	0	66059
5AD 195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000	66060
5W5 195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	66061
5W6 195-691	International Trade Cooperative Projects	\$	300,000	\$	300,000	66062



685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	66063
		Expenditures					
TOTAL GSF General Services Fund							66064
Group			\$	21,149,404	\$	37,171,444	66065
Federal Special Revenue Fund Group							66066
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	66067
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	66068
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	66069
		Block Grant					
3K9	195-611	Home Energy Assistance	\$	110,000,000	\$	110,000,000	66070
		Block Grant					
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	66071
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	66072
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	66073
308	195-602	Appalachian Regional	\$	475,000	\$	475,000	66074
		Commission					
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000	66075
		Development					
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	66076
308	195-609	Small Business	\$	4,296,381	\$	4,396,381	66077
		Administration					
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	66078
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000	66079
		and Emerging					
		Technology					
TOTAL FED Federal Special Revenue							66080
Fund Group			\$	356,446,281	\$	326,566,381	66081
State Special Revenue Fund Group							66082
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	66083

4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	66084
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	66085
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	66086
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	66087
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	66088
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	66089
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	66090
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	66091
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	66092
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	66093
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	66094
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	66095
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	66096
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	66097
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	66098
TOTAL SSR		State Special Revenue					66099
Fund Group			\$	334,641,556	\$	330,141,556	66100
Facilities Establishment		Fund Group					66101
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	66102

010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	66103
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	66104
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	66105
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	66106
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	66107
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	66108
TOTAL	037	Facilities Establishment Fund Group	\$	224,475,000	\$	224,475,000	66109 66110
		Clean Ohio Revitalization Fund					66111
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	66112
TOTAL	003	Clean Ohio Revitalization Fund	\$	625,000	\$	550,000	66113
		Third Frontier Research & Development Fund Group					66114
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	66115
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	66116
014	195-692	Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	66117
TOTAL	011	Third Frontier Research & Development Fund Group	\$	123,932,056	\$	101,932,056	66118
		Job Ready Site Development Fund Group					66119
012	195-688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	66120
TOTAL	012	Job Ready Site	\$	1,246,155	\$	1,246,155	66121

Development Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,180,822,986 \$ 1,146,398,076 66122

**Section 263.10.10. THOMAS EDISON PROGRAM** 66124

The foregoing appropriation item 195-401, Thomas Edison 66125  
Program, shall be used for the purposes of sections 122.28 to 66126  
122.38 of the Revised Code in order to provide funds for 66127  
cooperative public and private efforts in technological innovation 66128  
to promote the development and transfer of technology by and to 66129  
Ohio businesses that will lead to the creation of jobs. Of the 66130  
foregoing appropriation item 195-401, Thomas Edison Program, not 66131  
more than ten per cent in each fiscal year shall be used for 66132  
operating expenditures in administering the programs of the 66133  
Technology Division. 66134

Of the foregoing appropriation item 195-401, Thomas Edison 66135  
Program, \$2,000,000 in fiscal year 2008 shall be used by Project 66136  
Development, Inc., for technology commercialization. 66137

**Section 263.10.20. SMALL BUSINESS DEVELOPMENT** 66138

The foregoing appropriation item 195-404, Small Business 66139  
Development, shall be used to ensure that the unique needs and 66140  
concerns of small businesses are addressed. 66141

The foregoing appropriation item 195-404, Small Business 66142  
Development, may be used to provide grants to local organizations 66143  
to support the operation of Small Business Development Centers and 66144  
other local economic development activity promoting small 66145  
business, including the 1st Stop Business Connection, and for the 66146  
cost of administering the small business development center 66147  
program. The centers shall provide technical, financial, and 66148  
management consultation for small business and shall facilitate 66149  
access to state and federal programs. These funds shall be used as 66150  
matching funds for grants from the United States Small Business 66151

Administration and other federal agencies, pursuant to Public Law 66152  
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 66153  
regulations and policy guidelines for the programs under this law. 66154

**MINORITY BUSINESS DEVELOPMENT DIVISION** 66155

Of the foregoing appropriation item 195-405, Minority 66156  
Business Development Division, up to \$1,060,000 but not less than 66157  
\$954,000 in each fiscal year shall be used to fund minority 66158  
contractors and business assistance organizations. The Minority 66159  
Business Development Division shall determine which cities need 66160  
minority contractors and business assistance organizations by 66161  
utilizing United States Census Bureau data and zip codes to locate 66162  
the highest concentrations of minority businesses. The Minority 66163  
Business Development Division also shall determine the numbers of 66164  
minority contractors and business assistance organizations 66165  
necessary and the amount of funding to be provided each. In 66166  
addition, the Minority Business Development Division shall 66167  
continue to plan and implement business conferences. 66168

**Section 263.10.30. RAPID OUTREACH GRANTS** 66169

The foregoing appropriation item 195-412, Rapid Outreach 66170  
Grants, shall be used as an incentive for attracting and retaining 66171  
business opportunities for the state. Any such business 66172  
opportunity, whether new, expanding, or relocating in Ohio, is 66173  
eligible for funding. The project must create or retain a 66174  
significant number of jobs for Ohioans. Grant awards may be 66175  
considered only when (1) the project's viability hinges on an 66176  
award of funds from appropriation item 195-412, Rapid Outreach 66177  
Grants; (2) all other public or private sources of financing have 66178  
been considered; or (3) the funds act as a catalyst for the 66179  
infusion into the project of other financing sources. 66180

The department's primary goal shall be to award funds to 66181  
political subdivisions of the state for off-site infrastructure 66182

improvements. In order to meet the particular needs of economic 66183  
development in a region, the department may elect to award funds 66184  
directly to a business for on-site infrastructure improvements. 66185  
"Infrastructure improvements" mean improvements to water system 66186  
facilities, sewer and sewage treatment facilities, electric or gas 66187  
service facilities, fiber optic facilities, rail facilities, site 66188  
preparation, and parking facilities. The Director of Development 66189  
may recommend the funds be used in an alternative manner when 66190  
considered appropriate to meet an extraordinary economic 66191  
development opportunity or need. 66192

The foregoing appropriation item 195-412, Rapid Outreach 66193  
Grants, may be expended only after the submission of a request to 66194  
the Controlling Board by the Department of Development outlining 66195  
the planned use of the funds, and the subsequent approval of the 66196  
request by the Controlling Board. 66197

The foregoing appropriation item 195-412, Rapid Outreach 66198  
Grants, may be used for, but is not limited to, construction, 66199  
rehabilitation, and acquisition projects for rail freight 66200  
assistance as requested by the Department of Transportation. The 66201  
Director of Transportation shall submit the proposed projects to 66202  
the Director of Development for an evaluation of potential 66203  
economic benefit. 66204

**Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 66205**  
OFFICES 66206

The foregoing appropriation item 195-415, Economic 66207  
Development Division and Regional Offices, shall be used for the 66208  
operating expenses of the Economic Development Division and the 66209  
regional economic development offices and for grants for 66210  
cooperative economic development ventures. 66211

**Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 66212**

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, and to provide financial assistance to projects in Ohio's Appalachian counties.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Regional Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$4,246,043 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. The projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

**Section 263.10.60. THIRD FRONTIER ACTION FUND**

The foregoing appropriation item 195-422, Third Frontier Action Fund, shall be used to make grants under sections 184.01 and 184.02 of the Revised Code. Prior to the release of funds from appropriation item 195-422, Third Frontier Action Fund, each grant award shall be recommended for funding by the Third Frontier Commission and obtain approval from the Controlling Board.

Of the foregoing appropriation item 195-422, Third Frontier Action Fund, not more than six per cent in each fiscal year shall be used for operating expenditures in administering the program.

In addition to the six per cent for operating expenditures, an additional administrative amount, not to exceed \$1,500,000

within the biennium, shall be available for proposal evaluation, 66243  
research and analyses, and marketing efforts considered necessary 66244  
to receive and disseminate information about science and 66245  
technology-related opportunities in the state. 66246

Of the foregoing appropriation item 195-422, Third Frontier 66247  
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 66248  
Project Development, Inc., for business and job creation resulting 66249  
from Third Frontier investments. 66250

SCIENCE AND TECHNOLOGY COLLABORATION 66251

The Department of Development shall work in close 66252  
collaboration with the Board of Regents, the Air Quality 66253  
Development Authority, and the Third Frontier Commission in 66254  
relation to appropriation items and programs referred to as 66255  
Alignment Programs in the following paragraph, and other 66256  
technology-related appropriations and programs in the Department 66257  
of Development, Air Quality Development Authority, and the Board 66258  
of Regents as these agencies may designate, to ensure 66259  
implementation of a coherent state strategy with respect to 66260  
science and technology. 66261

"Alignment Programs" means appropriation items 195-401, 66262  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 66263  
Third Frontier Action Fund; 898-604, Coal Research and Development 66264  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 66265  
Institute of Technology; 235-510, Ohio Supercomputer Center; 66266  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 66267  
235-535, Ohio Agricultural Research and Development Center; 66268  
235-553, Dayton Area Graduate Studies Institute; 235-554, 66269  
Priorities in Collaborative Graduate Education; 235-556, Ohio 66270  
Academic Resources Network; 195-435, Biomedical Research and 66271  
Technology Transfer Trust; 195-687, Third Frontier Research & 66272  
Development Projects; CAP-068, Third Frontier Project; and 66273  
195-692, Research & Development Taxable Bond Projects. 66274



Consistent with the recommendations of the Governor's 66275  
Commission on Higher Education and the Economy, Alignment Programs 66276  
shall be managed and administered in accordance with the following 66277  
objectives: (1) to build on existing competitive research 66278  
strengths; (2) to encourage new and emerging discoveries and 66279  
commercialization of products and ideas that will benefit the Ohio 66280  
economy; and (3) to assure improved collaboration among Alignment 66281  
Programs with programs administered by the Third Frontier 66282  
Commission and with other state programs that are intended to 66283  
improve economic growth and job creation. As directed by the Third 66284  
Frontier Commission, Alignment Program managers shall report to 66285  
the Commission or the Third Frontier Advisory Board regarding the 66286  
contributions of their programs to achieving these objectives. 66287

Each Alignment Program shall be reviewed annually by the 66288  
Third Frontier Commission with respect to its development of 66289  
complementary relationships within a combined state science and 66290  
technology investment portfolio, and with respect to its overall 66291  
contribution to the state's science and technology strategy, 66292  
including the adoption of appropriately consistent criteria for: 66293  
(1) the scientific merit of activities supported by the program; 66294  
(2) the relevance of the program's activities to commercial 66295  
opportunities in the private sector; (3) the private sector's 66296  
involvement in a process that continually evaluates commercial 66297  
opportunities to use the work supported by the program; and (4) 66298  
the ability of the program and recipients of grant funding from 66299  
the program to engage in activities that are collaborative, 66300  
complementary, and efficient with respect to the expenditures of 66301  
state funds. Each Alignment Program shall provide an annual report 66302  
to the Third Frontier Commission that discusses existing, planned, 66303  
or possible collaborations between programs and between recipients 66304  
of grant funding related to technology, development, 66305  
commercialization, and the support of Ohio's economic development. 66306  
The annual review conducted by the Third Frontier Commission shall 66307

be a comprehensive review of the entire state science and 66308  
technology program portfolio rather than a review of individual 66309  
programs. 66310

Applicants for Third Frontier and Alignment Programs funding 66311  
shall identify their requirements for high-performance computing 66312  
facilities and services, including both hardware and software, in 66313  
all proposals. If an applicant's requirements exceed approximately 66314  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 66315  
convene a panel of experts. The panel shall review the proposal to 66316  
determine whether the proposal's requirements can be met through 66317  
Ohio Supercomputer Center facilities or through other means and 66318  
report such information to the Third Frontier Commission. 66319

To ensure that the state receives the maximum benefit from 66320  
its investment in the Third Frontier Project and the Third 66321  
Frontier Network, organizations receiving Third Frontier awards 66322  
and Alignment Programs awards shall, as appropriate, be expected 66323  
to have a connection to the Third Frontier Network that enables 66324  
them and their collaborators to achieve award objectives through 66325  
the Third Frontier Network. 66326

**Section 263.10.70. INTERNATIONAL TRADE** 66327

The foregoing appropriation item 195-432, International 66328  
Trade, shall be used to operate and to maintain Ohio's 66329  
out-of-state trade offices. 66330

The Director of Development may enter into contracts with 66331  
foreign nationals to staff foreign offices. The contracts may be 66332  
paid in local currency or United States currency and shall be 66333  
exempt from section 127.16 of the Revised Code. The director also 66334  
may establish foreign currency accounts under section 122.05 of 66335  
the Revised Code for the payment of expenses related to the 66336  
operation and maintenance of the foreign trade offices. 66337

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

**Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM**

The foregoing appropriation items 195-434, Investment in Training Grants, and 195-667, Investment in Training Expansion, shall be used to promote training through grants for the reimbursement of eligible training expenses.

Of the foregoing appropriation item 195-434, Investment in Training Grants, \$300,000 in each fiscal year shall be used for the Re-Tooling for Success Program at Washington State Community College.

**Section 263.10.90. CDBG OPERATING MATCH**

The foregoing appropriation item 195-497, CDBG Operating Match, shall be used to provide matching funds as requested by the United States Department of Housing and Urban Development to administer the federally funded Community Development Block Grant (CDBG) program.

**STATE OPERATING MATCH**

The foregoing appropriation item 195-498, State Match Energy, shall be used to provide matching funds as required by the United States Department of Energy to administer the federally funded State Energy Plan.

**Section 263.10.95.** DEFENSE CONVERSION ASSISTANCE 66367

Of the foregoing appropriation item 195-410, Defense 66368  
Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 66369  
used as a state match to federal dollars for the relocation of 66370  
jobs at Wright-Patterson Air Force Base and vicinity as a result 66371  
of job losses from the base realignment and closure process. 66372

**Section 263.10.97.** STATE FILM BUREAU 66373

There is hereby created the State Film Bureau. The mission of 66374  
the Bureau shall be to promote media production in the state and 66375  
to help the industry optimize its production experience in the 66376  
state, including enhancing local economies through increased 66377  
employment and tax revenues and ensuring an accurate portrayal of 66378  
Ohio. The Bureau shall serve as an informational clearinghouse and 66379  
provide technical assistance to the media production industry and 66380  
business entities engaged in media production in the state. The 66381  
Bureau shall promote Ohio as the ideal site for media production 66382  
and help those in the industry benefit from their experience in 66383  
the state. 66384

The primary objective of the Bureau shall be to encourage 66385  
development of a strong capital base for electronic media 66386  
production in order to achieve an independent, self-supporting 66387  
industry in Ohio. Other objectives shall include: 66388

(A) Attracting private investment for the electronic media 66389  
production industry; 66390

(B) Developing a tax infrastructure that encourages private 66391  
investment; and 66392

(C) Encouraging increased employment opportunities within 66393  
this sector and increased competition with other states. 66394

The State Film Bureau shall conduct a study of Ohio's media 66395

production industry and make recommendations that lead to job 66396  
growth in that industry. The study shall identify and benchmark 66397  
Ohio's current and potential capabilities for growth in the 66398  
sectors and sub-sectors of commercial, industrial, education, and 66399  
entertainment media. The Bureau shall prepare a comprehensive 66400  
report of its findings, along with recommendations for private 66401  
sector and public policy initiatives that can lead to the future 66402  
growth of the media production industry in Ohio, increased job 66403  
opportunities, and the enhancement of Ohio's image as a desirable 66404  
place to do business. 66405

**Section 263.20.10. TRAVEL AND TOURISM GRANTS** 66406

The foregoing appropriation item 195-507, Travel and Tourism 66407  
Grants, shall be used to provide grants to local organizations to 66408  
support various local travel and tourism events in Ohio. 66409

Of the foregoing appropriation item 195-507, Travel and 66410  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66411  
Cleveland Film Bureau. 66412

Of the foregoing appropriation item 195-507, Travel and 66413  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66414  
Cincinnati Film Bureau. 66415

Of the foregoing appropriation item 195-507, Travel and 66416  
Tourism Grants, \$500,000 in each fiscal year shall be used for 66417  
grants to The International Center for the Preservation of Wild 66418  
Animals. 66419

Of the foregoing appropriation item 195-507, Travel and 66420  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66421  
Greater Cleveland Sports Commission. 66422

Of the foregoing appropriation item 195-507, Travel and 66423  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66424  
Greater Columbus Sports Commission. 66425

Of the foregoing appropriation item 195-507, Travel and 66426  
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 66427  
Ohio Alliance of Science Centers. 66428

Of the foregoing appropriation item 195-507, Travel and 66429  
Tourism Grants, \$100,000 in each fiscal year shall be used for the 66430  
Harbor Heritage Society/Great Lakes Science Center in support of 66431  
operations of the Steamship William G. Mather Maritime Museum, and 66432  
\$100,000 in each fiscal year shall be used for the Great Lakes 66433  
Historical Society. 66434

Of the foregoing appropriation item 195-507, Travel and 66435  
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 66436  
Ohio Junior Angus Association to assist with costs associated with 66437  
hosting the Eastern Regional Junior Angus Show in June 2009. 66438

Of the foregoing appropriation item 195-507, Travel and 66439  
Tourism Grants, \$60,000 in each fiscal year shall be used for the 66440  
Ohio River Trails program. 66441

Of the foregoing appropriation item 195-507, Travel and 66442  
Tourism Grants, \$60,000 in each fiscal year shall be used to 66443  
support the outdoor drama "Tecumseh!" 66444

Of the foregoing appropriation item 195-507, Travel and 66445  
Tourism Grants, \$25,000 in each fiscal year shall be used for 66446  
Ohio's Appalachian Country. 66447

Of the foregoing appropriation item 195-507, Travel and 66448  
Tourism Grants, \$25,000 in each fiscal year shall be used for the 66449  
Garst Museum. 66450

Of the foregoing appropriation item 195-507, Travel and 66451  
Tourism Grants, \$10,000 in each fiscal year shall be used for the 66452  
Pro Football Hall of Fame Festival. 66453

**Section 263.20.13. OHIO MAIN STREET PROGRAM** 66454

Of the foregoing appropriation item 195-520, Ohio Main Street 66455

Program, \$500,000 in fiscal year 2008 shall be used for the 66456  
rebuilding and revitalization of downtown Wauseon following the 66457  
April 14, 2007, fire in that community. Such funds shall be used 66458  
by the mayor of Wauseon or the mayor's designee to provide grants 66459  
and matching grants to owners or their successors whose buildings 66460  
and property were damaged or destroyed by the fire. Such grants 66461  
shall only be used to supplement investments of owners or 66462  
successors who are rebuilding in the downtown location of the 66463  
fire. 66464

**Section 263.20.16. DISCOVER OHIO!** 66465

The foregoing appropriation item 195-521, Discover Ohio!, 66466  
shall be used by the Division of Travel and Tourism in the 66467  
Department of Development for marketing and promoting Ohio as a 66468  
tourism destination and for nonpersonnel costs associated with 66469  
operating such programs. 66470

**Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT** 66471  
**GENERAL OBLIGATION DEBT SERVICE** 66472

The foregoing appropriation item 195-905, Third Frontier 66473  
Research & Development General Obligation Debt Service, shall be 66474  
used to pay all debt service and related financing costs during 66475  
the period from July 1, 2007, to June 30, 2009, on obligations 66476  
issued for research and development purposes under sections 151.01 66477  
and 151.10 of the Revised Code. 66478

**JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE** 66479

The foregoing appropriation item 195-912, Job Ready Site 66480  
Development General Obligation Debt Service, shall be used to pay 66481  
all debt service and related financing costs during the period 66482  
from July 1, 2007, to June 30, 2009, on obligations issued for job 66483  
ready site development purposes under sections 151.01 and 151.11 66484  
of the Revised Code. 66485

**Section 263.20.30. SUPPORTIVE SERVICES** 66486

The Director of Development may assess divisions of the 66487  
department for the cost of central service operations. An 66488  
assessment shall be based on a plan submitted to and approved by 66489  
the Office of Budget and Management by August 1, 2007, and shall 66490  
contain the characteristics of administrative ease and uniform 66491  
application. 66492

A division's payments shall be credited to the Supportive 66493  
Services Fund (Fund 135) using an intrastate transfer voucher. 66494

**WORKFORCE GUARANTEE PROGRAM** 66495

The foregoing appropriation item 195-668, Workforce Guarantee 66496  
Program, shall be used for the Workforce Guarantee Program. 66497

Benefited employers must create at least 20 high-paying, 66498  
full-time jobs over a one-year period and must demonstrate prior 66499  
to the commitment of state funds that the availability of those 66500  
skilled workers is a major factor in the employer's decision to 66501  
locate or expand in Ohio. Customized training activities are 66502  
eligible for funding through the Workforce Guarantee Program. 66503

The Director of Development, under Chapter 119. of the 66504  
Revised Code, shall adopt, and may amend or rescind, rules the 66505  
Director finds necessary for the implementation and successful 66506  
operation of the Workforce Guarantee Program. 66507

**ECONOMIC DEVELOPMENT CONTINGENCY** 66508

Of the foregoing appropriation item 195-677, Economic 66509  
Development Contingency, up to \$19,400,000 shall be used by the 66510  
Third Frontier Commission in fiscal year 2009 for biomedical 66511  
research and technology transfer purposes under sections 184.01 to 66512  
184.03 of the Revised Code. 66513

Of the foregoing appropriation item 195-677, Economic 66514  
Development Contingency, \$1,500,000 in fiscal year 2008 shall be 66515



used for Cleveland Hopkins International Airport projects to 66516  
support increased service and expand the existing hub, as defined 66517  
in 49 U.S.C. 40102, Infrastructure. 66518

DIRECT COST RECOVERY EXPENDITURES 66519

The foregoing appropriation item 195-636, Direct Cost 66520  
Recovery Expenditures, shall be used for conference and 66521  
subscription fees and other reimbursable costs. Revenues to the 66522  
General Reimbursement Fund (Fund 685) shall consist of fees and 66523  
other moneys charged for conferences, subscriptions, and other 66524  
administrative costs that are not central service costs. 66525

**Section 263.20.40. HEAP WEATHERIZATION** 66526

Fifteen per cent of the federal funds received by the state 66527  
for the Home Energy Assistance Block Grant shall be deposited in 66528  
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 66529  
shall be used to provide home weatherization services in the 66530  
state. 66531

The Department of Development shall seek, and if approved 66532  
shall implement, a federal waiver to increase the percentage of 66533  
the Home Energy Block Grant that may be used for weatherization to 66534  
at least sixteen and one-half per cent in fiscal year 2008 and at 66535  
least seventeen and one-half per cent in fiscal year 2009. Upon 66536  
approval of the federal waiver, the Director of Development shall 66537  
seek Controlling Board approval to adjust appropriation items 66538  
195-611, Home Energy Assistance Block Grant, and 195-614, HEAP 66539  
Weatherization, as needed to implement the federal waiver. 66540

STATE SPECIAL PROJECTS 66541

The foregoing fund, Fund 4F2, State Special Projects Fund, 66542  
shall be used for the deposit of private-sector funds from utility 66543  
companies and for the deposit of other miscellaneous state funds. 66544  
Private-sector moneys shall be used to (1) pay the expenses of 66545

verifying the income-eligibility of HEAP applicants, (2) market 66546  
economic development opportunities in the state, and (3) leverage 66547  
additional federal funds. State funds shall be used to match 66548  
federal housing grants for the homeless and to market economic 66549  
development opportunities in the state. 66550

**Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING** 66551

On July 1, 2007, or as soon thereafter as possible, the 66552  
Director of Budget and Management shall transfer the cash balance 66553  
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 66554  
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 66555  
shall cancel any existing encumbrances against appropriation item 66556  
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 66557  
re-establish them against appropriation item 195-630, Tax 66558  
Incentive Programs Operating (Fund 4S0). The amounts of the 66559  
re-established encumbrances are hereby appropriated. 66560

**Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN** 66561

All repayments from the Minority Development Financing 66562  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 66563  
Program shall be deposited in the State Treasury to the credit of 66564  
the Minority Business Enterprise Loan Fund (Fund 4W1). 66565

All operating costs of administering the Minority Business 66566  
Enterprise Loan Fund shall be paid from the Minority Business 66567  
Enterprise Loan Fund (Fund 4WI). 66568

**MINORITY BUSINESS BONDING FUND** 66569

Notwithstanding Chapters 122., 169., and 175. of the Revised 66570  
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 66571  
General Assembly, the Director of Development may, upon the 66572  
recommendation of the Minority Development Financing Advisory 66573  
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 66574  
unclaimed funds administered by the Director of Commerce and 66575

allocated to the Minority Business Bonding Program under section 66576  
169.05 of the Revised Code. The transfer of any cash by the 66577  
Director of Budget and Management from the Department of 66578  
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 66579  
Development's Minority Business Bonding Fund (Fund 449) shall 66580  
occur, if requested by the Director of Development, only if such 66581  
funds are needed for payment of losses arising from the Minority 66582  
Business Bonding Program, and only after proceeds of the initial 66583  
transfer of \$2,700,000 by the Controlling Board to the Minority 66584  
Business Bonding Program has been used for that purpose. Moneys 66585  
transferred by the Director of Budget and Management from the 66586  
Department of Commerce for this purpose may be moneys in custodial 66587  
funds held by the Treasurer of State. If expenditures are required 66588  
for payment of losses arising from the Minority Business Bonding 66589  
Program, such expenditures shall be made from appropriation item 66590  
195-623, Minority Business Bonding Contingency in the Minority 66591  
Business Bonding Fund, and such amounts are appropriated. 66592

**Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING** 66593

The foregoing appropriation item 195-625, Economic 66594  
Development Financing Operating, shall be used for the operating 66595  
expenses of financial assistance programs authorized under Chapter 66596  
166. of the Revised Code and under sections 122.43 and 122.45 of 66597  
the Revised Code. 66598

**ALTERNATIVE FUEL TRANSPORTATION** 66599

The foregoing appropriation item 195-679, Alternative Fuel 66600  
Transportation, shall be used by the Director of Development to 66601  
make grants under the Alternative Fuel Transportation Grant Fund 66602  
Program in accordance with section 122.075 of the Revised Code, 66603  
and for administrative costs associated with the program. 66604

Of the foregoing appropriation item 195-679, Alternative Fuel 66605  
Transportation, up to \$1,000,000 in each fiscal year shall be used 66606

to encourage retail gas stations to provide E85 and B20 (or 66607  
higher) fuel to customers in accordance with section 122.075 of 66608  
the Revised Code. 66609

LOW INCOME ENERGY ASSISTANCE 66610

The foregoing appropriation item 195-659, Low Income Energy 66611  
Assistance, shall be used to provide payments to regulated 66612  
electric utility companies for low-income customers enrolled in 66613  
Percentage of Income Payment Plan (PIPP) electric accounts, to 66614  
fund targeted energy efficiency and customer education services to 66615  
PIPP customers, and to cover the department's administrative costs 66616  
related to Universal Service Fund Programs. If it is determined 66617  
that additional appropriations are necessary to provide payments 66618  
to regulated utility companies for low income customers enrolled 66619  
in PIPP electric accounts, such appropriations are subject to 66620  
approval by the Controlling Board upon the submission of a request 66621  
by the Department of Development. 66622

ADVANCED ENERGY FUND 66623

The foregoing appropriation item 195-660, Advanced Energy 66624  
Programs, shall be used to provide financial assistance to 66625  
customers for eligible advanced energy projects for residential, 66626  
commercial and industrial business, local government, educational 66627  
institution, nonprofit, and agriculture customers, and to pay for 66628  
the program's administrative costs as provided in the Revised Code 66629  
and rules adopted by the Director of Development. 66630

Of the foregoing appropriation item 195-660, Advanced Energy 66631  
Programs, up to \$1,500,000 over the biennium shall be used for 66632  
methane digester projects in certified territories of electric 66633  
distribution utilities and elsewhere throughout the state. 66634

Of the foregoing appropriation item 195-660, Advanced Energy 66635  
Programs, up to \$250,000 in each fiscal year shall be used for 66636  
grants to school districts under section 3327.17 of the Revised 66637

Code. 66638

By July 1, 2007, or as soon as possible thereafter, the 66639  
Director of Budget and Management shall transfer \$90,485 in cash 66640  
from the Advanced Energy Fund (Fund 5M5) to the General Revenue 66641  
Fund for use by the Division of Geological Survey in the 66642  
Department of Natural Resources. The amount of the transfer is 66643  
hereby appropriated in GRF appropriation item 728-321, Division of 66644  
Geological Survey. 66645

By July 1, 2008, or as soon as possible thereafter, the 66646  
Director of Budget and Management shall transfer \$64,557 in cash 66647  
from the Advanced Energy Fund (Fund 5M5) to the General Revenue 66648  
Fund for use by the Division of Geological Survey in the 66649  
Department of Natural Resources. The amount of the transfer is 66650  
hereby appropriated in GRF appropriation item 728-321, Division of 66651  
Geological Survey. 66652

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 66653  
IMPROVEMENTS FUND 66654

Notwithstanding Chapters 122. and 4928. of the Revised Code 66655  
and any other law to the contrary, the Director of Budget and 66656  
Management shall transfer \$4,500,000 in cash in fiscal year 2008 66657  
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 66658  
Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 66659  
(Fund 5AR). 66660

Moneys in Fund 5AR, Industrial Site Improvements, shall be 66661  
used by the Director of Development to make grants to eligible 66662  
counties for the improvement of commercial or industrial areas 66663  
within those counties under section 122.951 of the Revised Code. 66664

TRANSFER FROM THE ADVANCED ENERGY FUND FOR THE COAL 66665  
DEVELOPMENT OFFICE 66666

Notwithstanding Chapters 122. and 4928. of the Revised Code 66667  
and any other law to the contrary, the Director of Budget and 66668

Management may transfer \$5,595 in fiscal year 2008 and \$23,600 in 66669  
fiscal year 2009 from the Advanced Energy Fund (Fund 5M5) to the 66670  
General Revenue Fund for use in appropriation item 898-402, Coal 66671  
Development Office, in the Air Quality Development Authority. The 66672  
amounts of the transfers are hereby appropriated. 66673

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 66674

All payments received by the state pursuant to a series of 66675  
settlements with ten brokerage firms reached with the United 66676  
States Securities and Exchange Commission, the National 66677  
Association of Securities Dealers, the New York Stock Exchange, 66678  
the New York Attorney General, and other state regulators 66679  
(henceforth referred to as the "Global Analysts Settlement 66680  
Agreements"), shall be deposited into the state treasury to the 66681  
credit of the Economic Development Contingency Fund (Fund 5Y6), 66682  
which is hereby created in the state treasury. The fund shall be 66683  
used by the Director of Development to support economic 66684  
development projects for which appropriations would not otherwise 66685  
be available, and shall be subject to the submission of a request 66686  
to the Controlling Board by the Director outlining the planned use 66687  
of the funds, and the subsequent approval of the request by the 66688  
Controlling Board. 66689

VOLUME CAP ADMINISTRATION 66690

The foregoing appropriation item 195-654, Volume Cap 66691  
Administration, shall be used for expenses related to the 66692  
administration of the Volume Cap Program. Revenues received by the 66693  
Volume Cap Administration Fund (Fund 617) shall consist of 66694  
application fees, forfeited deposits, and interest earned from the 66695  
custodial account held by the Treasurer of State. 66696

INNOVATION OHIO LOAN FUND 66697

The foregoing appropriation item 195-664, Innovation Ohio, 66698  
shall be used to provide for innovation Ohio purposes, including 66699

loan guarantees and loans under Chapter 166. and particularly 66700  
sections 166.12 to 166.16 of the Revised Code. 66701

RESEARCH AND DEVELOPMENT 66702

The foregoing appropriation item 195-665, Research and 66703  
Development, shall be used to provide for research and development 66704  
purposes, including loans, under Chapter 166. and particularly 66705  
sections 166.17 to 166.21 of the Revised Code. 66706

**Section 263.20.75.** TRANSFER FROM THE LOW- AND MODERATE-INCOME 66707  
HOUSING TRUST FUND TO THE RESIDENTIAL STATE SUPPLEMENT FUND 66708

Notwithstanding Chapter 175. of the Revised Code and any 66709  
other law to the contrary, the Director of Budget and Management 66710  
shall transfer \$1,500,000 cash in fiscal year 2008 and \$1,500,000 66711  
cash in fiscal year 2009 from the Low- and Moderate-Income Housing 66712  
Trust Fund (Fund 646) in the Department of Development to the 66713  
Residential State Supplement Fund (Fund 5CH) in the Department of 66714  
Mental Health. 66715

**Section 263.20.80.** FACILITIES ESTABLISHMENT FUND 66716

The foregoing appropriation item 195-615, Facilities 66717  
Establishment (Fund 037), shall be used for the purposes of the 66718  
Facilities Establishment Fund under Chapter 166. of the Revised 66719  
Code. 66720

Notwithstanding Chapter 166. of the Revised Code, an amount 66721  
not to exceed \$1,800,000 in cash each fiscal year may be 66722  
transferred from the Facilities Establishment Fund (Fund 037) to 66723  
the Economic Development Financing Operating Fund (Fund 451). The 66724  
transfer is subject to Controlling Board approval under division 66725  
(B) of section 166.03 of the Revised Code. 66726

Notwithstanding Chapter 166. of the Revised Code, an amount 66727  
not to exceed \$5,475,000 in cash each fiscal year may be 66728

transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project. The transfers shall be subject to approval by the Controlling Board upon the submission of a request by the Department of Development.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,000,000 in cash each fiscal year may be transferred from the Facilities Establishment Fund (Fund 037) to the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195-615, Facilities Establishment, \$1,500,000 in fiscal year 2008 shall be used for business development by any current or future port authority located in Clark County.

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$5,719,325 cash from the Facilities Establishment Fund (Fund 037) to the General Revenue Fund. Of the amount to be transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 in fiscal year 2008 is hereby appropriated in appropriation item 195-434, Investment in Training Grants.

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development,



shall transfer \$6,102,500 cash from the Facilities Establishment Fund (Fund 037) to the General Revenue Fund. The amount transferred is hereby appropriated in appropriation item 195-412, Rapid Outreach Grants, for fiscal year 2009.

Notwithstanding Chapter 166. of the Revised Code, on the first day of July of each year of the biennium, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$4,275,000 cash from the Facilities Establishment Fund (Fund 037) to the Job Development Initiatives Fund (Fund 5AD). The amount transferred is hereby appropriated in each fiscal year in appropriation item 195-677, Economic Development Contingency.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195-615, Facilities Establishment, \$1,500,000 in fiscal year 2008 shall be used for the City of Toledo's Marina District Development project. Disbursement of funds for this purpose shall not take precedence over any existing obligations from the Facilities Establishment Fund or any other provision in this section.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is entitled to receive moneys from the Facilities Establishment Fund (Fund 037). The Director of Development may make grants from the Rural Development Initiative Fund as specified in division (A)(2) of this section to eligible applicants in Appalachian counties and

in rural counties in the state that are designated as distressed 66792  
under section 122.25 of the Revised Code. Preference shall be 66793  
given to eligible applicants located in Appalachian counties 66794  
designated as distressed by the federal Appalachian Regional 66795  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 66796  
cease to exist after June 30, 2009. All moneys remaining in the 66797  
Fund after that date shall revert to the Facilities Establishment 66798  
Fund (Fund 037). 66799

(2) The Director of Development shall make grants from the 66800  
Rural Development Initiative Fund (Fund 5S8) only to eligible 66801  
applicants who also qualify for and receive funding under the 66802  
Rural Industrial Park Loan Program as specified in sections 122.23 66803  
to 122.27 of the Revised Code. Eligible applicants shall use the 66804  
grants for the purposes specified in section 122.24 of the Revised 66805  
Code. All projects supported by grants from the fund are subject 66806  
to Chapter 4115. of the Revised Code as specified in division (E) 66807  
of section 166.02 of the Revised Code. The Director shall develop 66808  
program guidelines for the transfer and release of funds. The 66809  
release of grant moneys to an eligible applicant is subject to 66810  
Controlling Board approval. 66811

(B) Notwithstanding Chapter 166. of the Revised Code, the 66812  
Director of Budget and Management may transfer an amount not to 66813  
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 66814  
at the request of the Director of Development from the Facilities 66815  
Establishment Fund (Fund 037) to the Rural Development Initiative 66816  
Fund (Fund 5S8). The transfer is subject to Controlling Board 66817  
approval under section 166.03 of the Revised Code. 66818

CAPITAL ACCESS LOAN PROGRAM 66819

The foregoing appropriation item 195-628, Capital Access Loan 66820  
Program, shall be used for operating, program, and administrative 66821  
expenses of the program. Funds of the Capital Access Loan Program 66822  
shall be used to assist participating financial institutions in 66823

making program loans to eligible businesses that face barriers in 66824  
accessing working capital and obtaining fixed-asset financing. 66825

Notwithstanding Chapter 166. of the Revised Code, the 66826  
Director of Budget and Management may transfer an amount not to 66827  
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 66828  
at the request of the Director of Development from the Facilities 66829  
Establishment Fund (Fund 037) to the Capital Access Loan Program 66830  
Fund (Fund 5S9). The transfer is subject to Controlling Board 66831  
approval under section 166.03 of the Revised Code. 66832

**Section 263.20.90. CLEAN OHIO OPERATING EXPENSES** 66833

The foregoing appropriation item 195-663, Clean Ohio 66834  
Operating, shall be used by the Department of Development in 66835  
administering sections 122.65 to 122.658 of the Revised Code. 66836

**THIRD FRONTIER OPERATING** 66837

The foregoing appropriation item 195-686, Third Frontier 66838  
Operating, shall be used for operating expenses incurred by the 66839  
Department of Development in administering sections 184.10 to 66840  
184.20 of the Revised Code. 66841

**THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS AND RESEARCH &** 66842  
**DEVELOPMENT TAXABLE BOND PROJECTS** 66843

The foregoing appropriation items 195-687, Third Frontier 66844  
Research & Development Projects, and 195-692, Research & 66845  
Development Taxable Bond Projects, shall be used by the Department 66846  
of Development to fund selected projects pursuant to sections 66847  
184.10 to 184.20 of the Revised Code. These projects are 66848  
designated as costs of research and development projects to which 66849  
the proceeds of the Third Frontier Research and Development Fund 66850  
(Fund 011) and the Research & Development Taxable Bond Project 66851  
Fund (Fund 014) are to be applied. 66852

Notwithstanding sections 184.10 to 184.20 of the Revised 66853

Code, up to \$8,600,000 in fiscal year 2008 from appropriation item 66854  
195-687, Third Frontier Research and Development Projects, and 66855  
appropriation item 195-692, Research & Development Taxable Bond 66856  
Projects, shall be used by the Office of Information Technology, 66857  
in partnership with the Ohio Supercomputer Center's OSCnet, to 66858  
acquire the equipment and services necessary to migrate state 66859  
agencies' network to the existing OSCnet network backbone. This 66860  
state network shall be known as the NextGen Network. 66861

Notwithstanding sections 184.10 to 184.20 of the Revised 66862  
Code, up to \$20,000,000 in fiscal year 2009 from the total of the 66863  
amounts in appropriation items 195-687, Third Frontier Research & 66864  
Development Projects, and 195-692, Research & Development Taxable 66865  
Bond Projects, shall be used to fund the Ohio Research Scholars 66866  
Program in the Board of Regents pursuant to sections 3333.60 to 66867  
3333.70 of the Revised Code. 66868

Notwithstanding sections 184.10 to 184.20 of the Revised 66869  
Code, at the direction of the Director of Budget and Management up 66870  
to \$18,000,000 in each fiscal year from appropriation item 66871  
195-687, Third Frontier Research & Development Projects, and 66872  
appropriation item 195-692, Research & Development Taxable Bond 66873  
Projects, shall be used to fund the Research Incentive Program in 66874  
the Board of Regents. 66875

On or before June 30, 2008, any unencumbered balances of the 66876  
foregoing appropriation items 195-687, Third Frontier Research & 66877  
Development Projects, and 195-692, Research & Development Taxable 66878  
Bond Projects, for fiscal year 2008 are hereby appropriated for 66879  
the same purposes for fiscal year 2009. 66880

**AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS** 66881

The Ohio Public Facilities Commission, upon request of the 66882  
Department of Development, is hereby authorized to issue and sell, 66883  
in accordance with Section 2p of Article VIII, Ohio Constitution, 66884

and particularly sections 151.01 and 151.10 of the Revised Code, 66885  
original obligations of the State of Ohio in an aggregate amount 66886  
not to exceed \$150,000,000. The authorized obligations shall be 66887  
issued and sold from time to time and in amounts necessary to 66888  
ensure sufficient moneys to the credit of the Third Frontier 66889  
Research & Development Fund (Fund 011) to pay costs of research 66890  
and development projects. 66891

JOB READY SITE OPERATING 66892

The foregoing appropriation item 195-688, Job Ready Site 66893  
Operating, shall be used for operating expenses incurred by the 66894  
Department of Development in administering sections 122.085 to 66895  
122.0820 of the Revised Code. Operating expenses include, but are 66896  
not limited to, certain expenses of the District Public Works 66897  
Integrating Committees, audit and accountability activities, and 66898  
costs associated with formal certifications verifying that site 66899  
infrastructure is in place and is functional. 66900

**Section 263.30.10. UNCLAIMED FUNDS TRANSFER** 66901

(A) Notwithstanding division (A) of section 169.05 of the 66902  
Revised Code, upon the request of the Director of Budget and 66903  
Management, the Director of Commerce, prior to June 30, 2008, 66904  
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 66905  
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 66906  
that have been reported by the holders of unclaimed funds under 66907  
section 169.05 of the Revised Code, regardless of the allocation 66908  
of the unclaimed funds described under that section. 66909

Notwithstanding division (A) of section 169.05 of the Revised 66910  
Code, upon the request of the Director of Budget and Management, 66911  
the Director of Commerce, prior to June 30, 2009, shall transfer 66912  
to the Job Development Initiatives Fund (Fund 5AD) an amount not 66913  
to exceed \$24,400,000 in cash of the unclaimed funds that have 66914  
been reported by the holders of unclaimed funds under section 66915

169.05 of the Revised Code, regardless of the allocation of the 66916  
unclaimed funds described under that section. 66917

(B) Notwithstanding division (A) of section 169.05 of the 66918  
Revised Code, upon the request of the Director of Budget and 66919  
Management, the Director of Commerce, prior to June 30, 2008, 66920  
shall transfer to the State Special Projects Fund (Fund 4F2) an 66921  
amount not to exceed \$2,500,000 of the unclaimed funds that have 66922  
been reported by the holders of unclaimed funds under section 66923  
169.05 of the Revised Code, regardless of the allocation of the 66924  
unclaimed funds described under that section. 66925

Notwithstanding division (A) of section 169.05 of the Revised 66926  
Code, upon the request of the Director of Budget and Management, 66927  
the Director of Commerce, prior to June 30, 2009, shall transfer 66928  
to the State Special Projects Fund (Fund 4F2) an amount not to 66929  
exceed \$2,500,000 in cash of the unclaimed funds that have been 66930  
reported by the holders of unclaimed funds under section 169.05 of 66931  
the Revised Code, regardless of the allocation of the unclaimed 66932  
funds described under that section. 66933

**Section 263.30.20. WORKFORCE DEVELOPMENT** 66934

The Director of Development and the Director of Job and 66935  
Family Services may enter into one or more interagency agreements 66936  
between the two departments, hire staff, transfer staff, assign 66937  
duties to staff, enter into contracts, transfer assets, and take 66938  
other actions the directors consider necessary to provide services 66939  
and assistance as necessary to integrate workforce development 66940  
into a larger economic development strategy, to implement the 66941  
recommendations of the Workforce Policy Board, and to perform 66942  
activities related to the transition of the administration of 66943  
employment programs identified by the board. Subject to the 66944  
approval of the Director of Budget and Management, the Department 66945  
of Development and the Department of Job and Family Services may 66946

expend funds to support the recommendations of the Workforce 66947  
Policy Board in the area of integration of employment functions as 66948  
described in this paragraph and to provide implementation and 66949  
transition activities from the appropriations to those 66950  
departments. 66951

**Section 263.30.30. COMMISSION ON THE FUTURE OF HEALTH CARE 66952**  
EDUCATION AND PHYSICIAN RETENTION IN NW OH 66953

(A) Whereas, There is a physician shortage, particularly in 66954  
certain specialties, that is predicted to worsen within the next 66955  
decade; and 66956

Whereas, This shortage may worsen as a result of, among other 66957  
factors, fewer than ten per cent of new graduates from the 66958  
University of Toledo who choose to continue their training in 66959  
northwest Ohio; and 66960

Whereas, Many of the problems confronting physician training 66961  
at the graduate medical education level are already manifest in 66962  
northwest Ohio; and 66963

Whereas, It is prudent to examine the physician shortage 66964  
using northwest Ohio as a microcosm for the entire state of Ohio; 66965  
now therefore be it 66966

Resolved by the Ohio General Assembly that there is hereby 66967  
created the Commission on the Future of Health Care Education and 66968  
Physician Retention in NW OH. 66969

(B) The Commission shall be composed of the following 66970  
members: 66971

(1) Six representatives of health care providers in northwest 66972  
Ohio, none of whom shall be from the same organization; 66973

(2) Six representatives of the health care profession in 66974  
northwest Ohio, composed of the following individuals: 66975

(a) One from the College of Medicine at the University of Toledo;	66976 66977
(b) One from the northwest Ohio chapter of the Ohio Nurses Association;	66978 66979
(c) One from the Academy of Medicine of Toledo and Lucas County;	66980 66981
(d) One from the Northwest Ohio Pediatric Society;	66982
(e) One geriatric medicine physician; and	66983
(f) One osteopathic physician affiliated with Ohio University College of Osteopathic Medicine.	66984 66985
(3) Three representatives from northwest Ohio business and labor organizations, composed of the following individuals:	66986 66987
(a) One from the Toledo Area Regional Chamber of Commerce;	66988
(b) One from the labor community of northwest Ohio; and	66989
(c) One from the health insurance industry.	66990
(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.	66991 66992 66993
(5) Nine representatives of state and local government, composed of the following individuals:	66994 66995
(a) Two members of the Ohio House of Representatives, one from the minority party and one from the majority party;	66996 66997
(b) Two members of the Ohio Senate, one from the minority party and one from the majority party;	66998 66999
(c) One township trustee of northwest Ohio;	67000
(d) Two representatives of northwest Ohio municipal corporations, only one of whom shall be from the City of Toledo;	67001 67002
(e) Two representatives of county commissioners, only one of	67003



whom shall be from Lucas County. 67004

(C) Members of the committee shall be appointed as follows: 67005

(1) For those members described in divisions (B)(1) and (2) 67006  
of this section, two each by the Governor, the Speaker of the 67007  
House of Representatives, and the President of the Senate; 67008

(2) For those members described in divisions (B)(3) and (4) 67009  
of this section, one each by the Governor, the Speaker of the 67010  
House of Representatives, and the President of the Senate; 67011

(3) For those members described in division (B)(5), three 67012  
each by the Governor, the Speaker of the House of Representatives, 67013  
and the President of the Senate. 67014

(D) Members of the Commission shall be appointed not later 67015  
than 30 days after the effective date of this section and shall 67016  
first meet not later than 30 days after all appointments have been 67017  
made. At its first meeting, the commission shall elect from among 67018  
its members who are members of the Senate and House of 67019  
Representatives a chairperson and vice-chairperson. 67020

Members of the commission shall serve without compensation, 67021  
but may solicit on behalf of the Commission public and private 67022  
funds to defray any costs of the Commission. The Commission shall 67023  
meet at the call of the chairperson to conduct its official 67024  
business. A majority of members shall constitute a quorum and a 67025  
quorum shall be necessary to conduct any activities of the 67026  
Commission. 67027

(E) The Toledo Community Foundation or a similar organization 67028  
shall provide meeting space and administrative support for the 67029  
Commission. The Ohio Board of Regents shall serve as a resource to 67030  
the Commission. 67031

(F) The Commission shall prepare a report that examines and 67032  
makes recommendations regarding the graduate medical education 67033

system in northwest Ohio, including:				67034
(1) Ways to increase the number and retention of medical graduates in northwest Ohio;				67035
(2) The status of the health care workforce in northwest Ohio;				67036
(3) The role of the University of Toledo in the health care education of the surrounding region;				67037
(4) Potential changes in federal and state statutes and rules regarding Medicaid support of graduate medical education; and				67038
(5) Policy initiatives that the Governor and General Assembly may consider to strengthen graduate medical education opportunities and physician retention in northwest Ohio.				67039
(G) The Commission shall, not later than nine months after the effective date of this section, submit to the Governor and General Assembly the report and recommendations prepared under division (F) of this section. On submission of the report, the Commission shall cease to exist.				67040
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General Services Fund Group				67063
4B6 145-601 Dispute Resolution	\$	140,000	\$ 140,000	67064
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	67065
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	67066

**Section 269.10. EDU DEPARTMENT OF EDUCATION** 67068

General Revenue Fund				67069
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	67070
GRF 200-320 Maintenance and	\$	4,549,479	\$ 4,778,203	67071
Equipment				
GRF 200-408 Early Childhood	\$	31,002,195	\$ 36,502,195	67072
Education				
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	67073
GRF 200-416 Career-Technical	\$	2,233,195	\$ 2,233,195	67074
Education Match				
GRF 200-420 Computer/Application/	\$	5,536,362	\$ 5,793,700	67075
Network Development				
GRF 200-421 Alternative Education	\$	14,910,665	\$ 12,910,665	67076
Programs				
GRF 200-422 School Management	\$	3,360,572	\$ 3,375,572	67077
Assistance				
GRF 200-424 Policy Analysis	\$	556,687	\$ 556,687	67078
GRF 200-425 Tech Prep Consortia	\$	2,069,217	\$ 2,069,217	67079
Support				
GRF 200-426 Ohio Educational	\$	30,446,197	\$ 30,446,197	67080
Computer Network				
GRF 200-427 Academic Standards	\$	7,197,730	\$ 7,197,730	67081
GRF 200-431 School Improvement	\$	21,589,235	\$ 21,924,235	67082
Initiatives				
GRF 200-433 Literacy	\$	15,765,000	\$ 15,765,000	67083

	Improvement-Professional Development			
GRF 200-437	Student Assessment	\$ 77,150,819	\$ 76,387,144	67084
GRF 200-439	Accountability/Report	\$ 7,096,040	\$ 8,223,540	67085
	Cards			
GRF 200-442	Child Care Licensing	\$ 1,302,495	\$ 1,302,495	67086
GRF 200-446	Education Management	\$ 16,110,510	\$ 16,586,082	67087
	Information System			
GRF 200-447	GED Testing	\$ 1,544,360	\$ 1,544,360	67088
GRF 200-448	Educator Preparation	\$ 1,301,000	\$ 1,301,000	67089
GRF 200-455	Community Schools	\$ 1,533,661	\$ 1,533,661	67090
GRF 200-457	STEM Initiatives	\$ 10,000,000	\$ 10,000,000	67091
GRF 200-502	Pupil Transportation	\$ 424,783,117	\$ 429,030,948	67092
GRF 200-503	Bus Purchase Allowance	\$ 14,000,000	\$ 14,000,000	67093
GRF 200-505	School Lunch Match	\$ 8,998,025	\$ 8,998,025	67094
GRF 200-509	Adult Literacy	\$ 8,669,738	\$ 8,669,738	67095
	Education			
GRF 200-511	Auxiliary Services	\$ 131,740,457	\$ 135,692,670	67096
GRF 200-514	Postsecondary Adult	\$ 19,481,875	\$ 19,481,875	67097
	Career-Technical Education			
GRF 200-521	Gifted Pupil Program	\$ 47,608,030	\$ 48,008,613	67098
GRF 200-532	Nonpublic	\$ 59,810,517	\$ 61,604,832	67099
	Administrative Cost Reimbursement			
GRF 200-536	Ohio Core Support	\$ 7,700,000	\$ 15,125,000	67100
GRF 200-540	Special Education	\$ 138,619,945	\$ 139,756,839	67101
	Enhancements			
GRF 200-545	Career-Technical	\$ 9,298,651	\$ 9,373,926	67102
	Education Enhancements			
GRF 200-550	Foundation Funding	\$ 5,761,699,328	\$ 6,034,943,246	67103
GRF 200-566	Literacy	\$ 12,062,336	\$ 12,062,336	67104
	Improvement-Classroom			

		Grants				
GRF	200-578	Violence Prevention and School Safety	\$	1,218,555	\$	1,218,555 67105
GRF	200-901	Property Tax Allocation - Education	\$	794,583,404	\$	850,868,654 67106
GRF	200-906	Tangible Tax Exemption - Education	\$	21,415,244	\$	10,707,622 67107
TOTAL GRF	General Revenue Fund		\$	7,748,106,952	\$	8,092,712,743 67108
	General Services Fund Group					67109
138	200-606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091 67110
4D1	200-602	Ohio Prevention/Education Resource Center	\$	832,000	\$	832,000 67111
4L2	200-681	Teacher Certification and Licensure	\$	5,966,032	\$	6,323,994 67112
452	200-638	Miscellaneous Educational Services	\$	273,166	\$	279,992 67113
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000 67114
596	200-656	Ohio Career Information System	\$	529,761	\$	529,761 67115
TOTAL GSF	General Services Fund Group		\$	33,201,050	\$	33,565,838 67117
	Federal Special Revenue Fund Group					67118
3AF	200-603	Schools Medicaid Administrative Claims	\$	486,000	\$	639,000 67119
3BK	200-628	Longitudinal Data Systems	\$	1,795,570	\$	307,050 67120
3BV	200-636	Character Education	\$	700,000	\$	700,000 67121
3CF	200-644	Foreign Language	\$	85,000	\$	285,000 67122

		Assistance				
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338 67123
3C5	200-661	Early Childhood	\$	18,989,779	\$	18,989,779 67124
		Education				
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966 67125
3D2	200-667	Honors Scholarship	\$	6,573,968	\$	6,665,000 67126
		Program				
3H9	200-605	Head Start	\$	275,000	\$	275,000 67127
		Collaboration Project				
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970 67128
3L7	200-618	Federal School	\$	63,927,606	\$	69,041,814 67129
		Breakfast				
3L8	200-619	Child/Adult Food	\$	69,280,946	\$	70,691,653 67130
		Programs				
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701 67131
		Education Basic Grant				
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000 67132
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706 67133
3M2	200-680	Individuals with	\$	500,000,000	\$	405,000,000 67134
		Disabilities Education				
		Act				
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000 67135
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922 67136
3Y2	200-688	21st Century Community	\$	30,681,554	\$	30,681,554 67137
		Learning Centers				
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798 67138
3Y6	200-635	Improving Teacher	\$	102,692,685	\$	102,698,246 67139
		Quality				
3Y7	200-689	English Language	\$	8,000,000	\$	8,000,000 67140
		Acquisition				
3Y8	200-639	Rural and Low Income	\$	1,500,000	\$	1,500,000 67141
		Technical Assistance				
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799 67142

3Z3	200-645	Consolidated Federal Grant Administration	\$	8,500,000	\$	8,500,000	67143
309	200-601	Educationally Disadvantaged Programs	\$	12,750,000	\$	8,750,000	67144
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	67145
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	67146
368	200-614	Veterans' Training	\$	710,373	\$	745,892	67147
369	200-616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	67148
370	200-624	Education of Exceptional Children	\$	1,811,520	\$	575,454	67149
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	67150
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	67151
TOTAL FED Federal Special							67152
Revenue Fund Group			\$	1,665,660,368	\$	1,571,144,583	67153
State Special Revenue Fund Group							67154
4R7	200-695	Indirect Operational Support	\$	5,449,748	\$	5,810,464	67155
4V7	200-633	Interagency Operational Support	\$	392,100	\$	376,423	67156
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	67157
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	67158
5BB	200-696	State Action for Education Leadership	\$	1,250,000	\$	1,250,000	67159
5BJ	200-626	Half-Mill Maintenance Equalization	\$	10,700,000	\$	10,700,000	67160
5U2	200-685	National Education Statistics	\$	300,000	\$	300,000	67161
5W2	200-663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	67162
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	67163

620	200-615	Educational	\$	3,000,000	\$	3,000,000	67164
		Improvement Grants					
TOTAL SSR State Special Revenue							67165
Fund Group			\$	49,020,758	\$	49,365,797	67166
Lottery Profits Education Fund Group							67167
017	200-612	Foundation Funding	\$	635,198,000	\$	667,900,000	67168
017	200-682	Lease Rental Payment	\$	22,702,000	\$	0	67169
		Reimbursement					
TOTAL LPE Lottery Profits							67170
Education Fund Group			\$	657,900,000	\$	667,900,000	67171
Revenue Distribution Fund Group							67172
047	200-909	School District	\$	611,596,856	\$	763,316,819	67173
		Property Tax					
		Replacement-Business					
053	200-900	School District	\$	91,123,523	\$	91,123,523	67174
		Property Tax					
		Replacement-Utility					
TOTAL RDF Revenue Distribution							67175
Fund Group			\$	702,720,379	\$	854,440,342	67176
TOTAL ALL BUDGET FUND GROUPS							67177
			\$	10,856,609,507	\$	11,269,129,303	

**Section 269.10.10. PERSONAL SERVICES** 67179

The foregoing appropriation item 200-100, Personal Services, 67180  
 may be used to pay fees for the Department's membership in the 67181  
 Education Commission of the States, an interstate nonprofit, 67182  
 nonpartisan organization that supports states with the development 67183  
 of education policy. 67184

Of the foregoing appropriation item 200-100, Personal 67185  
 Services, up to \$25,000 may be expended in each fiscal year for 67186  
 the State Board of Education to pay for outside professionals to 67187  
 help inform the Board on topics of education policy. 67188



**Section 269.10.20. EARLY CHILDHOOD EDUCATION** 67189

The Department of Education shall distribute the foregoing 67190  
appropriation item 200-408, Early Childhood Education, to pay the 67191  
costs of early childhood education programs. 67192

(A) As used in this section: 67193

(1) "Provider" means a city, local, exempted village, or 67194  
joint vocational school district, or an educational service 67195  
center. 67196

(2) In the case of a city, local, or exempted village school 67197  
district, "new eligible provider" means a district that is 67198  
eligible for poverty-based assistance under section 3317.029 of 67199  
the Revised Code. 67200

(3) "Eligible child" means a child who is at least three 67201  
years of age, is not of the age to be eligible for kindergarten, 67202  
and whose family earns not more than two hundred per cent of the 67203  
federal poverty guidelines. 67204

(B) In each fiscal year, up to two per cent of the total 67205  
appropriation may be used by the Department for program support 67206  
and technical assistance. The Department shall distribute the 67207  
remainder of the appropriation in each fiscal year to serve 67208  
eligible children. 67209

(C) The Department shall provide an annual report to the 67210  
Governor, the Speaker of the House of Representatives, and the 67211  
President of the Senate and post the report to the Department's 67212  
web site, regarding early childhood education programs operated 67213  
under this section and the early learning program guidelines for 67214  
school readiness. 67215

(D) After setting aside the amounts to make payments due from 67216  
the previous fiscal year, in fiscal year 2008, the Department 67217  
shall distribute funds first to recipients of funds for early 67218

childhood education programs under Section 206.09.06 of Am. Sub. 67219  
H.B. 66 of the 126th General Assembly in the previous fiscal year 67220  
and the balance to new eligible providers of early childhood 67221  
education programs under this section. However, the total amount 67222  
of funds distributed in fiscal year 2008 to all providers that 67223  
received funds for early childhood education programs in fiscal 67224  
year 2007 shall not exceed \$18,622,151, unless the number of new 67225  
eligible providers that notifies the Department of their interest 67226  
in establishing early childhood education programs is insufficient 67227  
to expend all available funding. In that case, the Department may 67228  
direct available funding to providers that received funds for 67229  
early childhood education programs in fiscal year 2007 for 67230  
purposes of program expansion, improvement, or special projects to 67231  
promote quality and innovation. 67232

After setting aside the amounts to make payments due from the 67233  
previous fiscal year, in fiscal year 2009, the Department shall 67234  
distribute funds first to providers of early childhood education 67235  
programs under this section in the previous fiscal year and the 67236  
balance to new eligible providers. However, the total amount of 67237  
funds distributed in fiscal year 2009 to all providers that 67238  
received funds for early childhood education programs in fiscal 67239  
year 2007 shall not exceed \$18,622,151, unless the number of 67240  
providers that received funding in fiscal year 2008 and new 67241  
eligible providers that notify the Department of their interest in 67242  
establishing early childhood education programs is insufficient to 67243  
expend all available funding. In that case, the Department may 67244  
direct available funding to providers that received funds for 67245  
early childhood education programs in fiscal year 2007 or 2008 for 67246  
purposes of program expansion, improvement, or special projects to 67247  
promote quality and innovation. 67248

In each of fiscal years 2008 and 2009, if funding is 67249  
insufficient to serve all new eligible providers that notify the 67250

Department of their interest in establishing early childhood 67251  
education programs, the Department shall determine which of those 67252  
providers will receive funds using a selection process that first 67253  
gives preference to providers that, as of March 15, 2007, did not 67254  
offer early childhood education programs, but that had offered 67255  
early childhood education programs or public preschool programs 67256  
for some time after June 30, 2000, and second to providers that 67257  
demonstrate a need for early childhood education programs, as 67258  
determined by the Department. Demonstration of need shall include 67259  
having higher rates of eligible children to be served. 67260

Awards under this section shall be distributed on a per-pupil 67261  
basis, and in accordance with division (H) of this section. The 67262  
Department may adjust the per-pupil amount so that the per-pupil 67263  
amount multiplied by the number of eligible children enrolled and 67264  
receiving services, as defined by the Department, reported on the 67265  
first day of December or the first business day following that 67266  
date equals the amount allocated under this section. 67267

(E) Costs for developing and administering an early childhood 67268  
education program may not exceed fifteen per cent of the total 67269  
approved costs of the program. 67270

All providers shall maintain such fiscal control and 67271  
accounting procedures as may be necessary to ensure the 67272  
disbursement of, and accounting for, these funds. The control of 67273  
funds provided in this program, and title to property obtained 67274  
therefrom, shall be under the authority of the approved provider 67275  
for purposes provided in the program unless, as described in 67276  
division (J) of this section, the program waives its right for 67277  
funding or a program's funding is eliminated or reduced due to its 67278  
inability to meet financial or early learning program guidelines 67279  
for school readiness. The approved provider shall administer and 67280  
use such property and funds for the purposes specified. 67281

(F) The Department may examine a provider's financial and 67282

program records. If the financial practices of the program are not 67283  
in accordance with standard accounting principles or do not meet 67284  
financial standards outlined under division (E) of this section, 67285  
or if the program fails to substantially meet the early learning 67286  
program guidelines for school readiness or exhibits below average 67287  
performance as measured against the guidelines, the early 67288  
childhood education program shall propose and implement a 67289  
corrective action plan that has been approved by the Department. 67290  
The approved corrective action plan shall be signed by the chief 67291  
executive officer and the executive of the official governing body 67292  
of the provider. The corrective action plan shall include a 67293  
schedule for monitoring by the Department. Such monitoring may 67294  
include monthly reports, inspections, a timeline for correction of 67295  
deficiencies, and technical assistance to be provided by the 67296  
Department or obtained by the early childhood education program. 67297  
The Department may withhold funding pending corrective action. If 67298  
an early childhood education program fails to satisfactorily 67299  
complete a corrective action plan, the Department may deny 67300  
expansion funding to the program or withdraw all or part of the 67301  
funding to the program and establish a new eligible provider 67302  
through a selection process established by the Department. 67303

(G) Each early childhood education program shall do all of 67304  
the following: 67305

(1) Meet teacher qualification requirements prescribed by 67306  
section 3301.311 of the Revised Code; 67307

(2) Align curriculum to the early learning content standards; 67308

(3) Meet any assessment requirements prescribed by section 67309  
3301.0715 of the Revised Code that are applicable to the program; 67310

(4) Require teachers, except teachers enrolled and working to 67311  
obtain a degree pursuant to section 3301.311 of the Revised Code, 67312  
to attend a minimum of twenty hours every two years of 67313

professional development as prescribed by the Department regarding 67314  
the implementation of early learning program guidelines for school 67315  
readiness; 67316

(5) Document and report child progress; 67317

(6) Meet and report compliance with the early learning 67318  
program guidelines for school readiness; 67319

(7) Participate in early language and literacy classroom 67320  
observation evaluation studies. 67321

(H) This division applies only to early childhood education 67322  
programs established on or after March 15, 2007. 67323

Per-pupil funding for programs subject to this division shall 67324  
be sufficient to provide eligible children with services for 67325  
one-half of the statewide average length of the school day, as 67326  
determined by the Department, for one hundred eighty-two days each 67327  
school year. Nothing in this section shall be construed to 67328  
prohibit program providers from utilizing other funds to serve 67329  
eligible children in programs that exceed the statewide average 67330  
length of the school day or that exceed one hundred eighty-two 67331  
days in a school year. 67332

(I) Each provider shall develop a sliding fee scale based on 67333  
family incomes and shall charge families who earn more than the 67334  
federal poverty guidelines for the early childhood education 67335  
program. 67336

(J) If an early childhood education program voluntarily 67337  
waives its right for funding, or has its funding eliminated for 67338  
not meeting financial standards or the early learning program 67339  
guidelines for school readiness, the provider shall transfer 67340  
control of title to property, equipment, and remaining supplies 67341  
obtained through the program to providers designated by the 67342  
Department and return any unexpended funds to the Department along 67343  
with any reports prescribed by the Department. The funding made 67344

available from a program that waives its right for funding or has 67345  
its funding eliminated or reduced may be used by the Department 67346  
for new grant awards or expansion grants. The Department may award 67347  
new grants or expansion grants to eligible providers who apply. 67348  
The eligible providers who apply must do so in accordance with the 67349  
selection process established by the Department. 67350

(K) As used in this section, "early learning program 67351  
guidelines for school readiness" means the guidelines established 67352  
by the Department pursuant to division (C)(3) of Section 206.09.54 67353  
of Am. Sub. H.B. 66 of the 126th General Assembly. 67354

**Section 269.10.30. EDUCATOR TRAINING** 67355

The foregoing appropriation item 200-410, Educator Training, 67356  
shall be used to fund professional development programs in Ohio. 67357  
The Department of Education shall, when possible, incorporate 67358  
cultural competency as a component of professional development and 67359  
actively promote the development of cultural competency in the 67360  
operation of its professional development programs. As used in 67361  
this section, "cultural competency" has the meaning specified by 67362  
the Educator Standards Board under section 3319.61 of the Revised 67363  
Code. 67364

Of the foregoing appropriation item 200-410, Educator 67365  
Training, up to \$9,250,000 in fiscal year 2008 and up to 67366  
\$10,250,000 in fiscal year 2009 shall be used by the Department of 67367  
Education to provide grants to pay \$2,225 of the application fee 67368  
in order to assist teachers from public and chartered nonpublic 67369  
schools applying for the first time to the National Board for 67370  
Professional Teaching Standards for professional teaching 67371  
certificates or licenses that the board offers. These moneys shall 67372  
be used to pay up to the first 400 applications in each fiscal 67373  
year received by the Department. This set aside shall also be used 67374  
to recognize and reward teachers who become certified by the 67375

National Board for Professional Teaching Standards under section 67376  
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 67377  
this set aside may be used by the Department to pay for costs 67378  
associated with activities to support candidates through the 67379  
application and certification process. Up to \$39,500 of this set 67380  
aside in each fiscal year may be used to support the application 67381  
fee for candidates participating in the Take One program for 67382  
beginning teachers in years two and three. 67383

Of the foregoing appropriation item 200-410, Educator 67384  
Training, up to \$9,515,817 in each fiscal year shall be allocated 67385  
for entry year teacher and principal programs. These funds shall 67386  
be used to support mentoring services and performance assessments 67387  
of beginning teachers and principals in school districts and 67388  
chartered nonpublic schools. 67389

Of the foregoing appropriation item 200-410, Educator 67390  
Training, up to \$200,000 in each fiscal year shall be used to 67391  
provide technical assistance and grants for districts to develop 67392  
local knowledge/skills-based compensation systems. Each district 67393  
receiving grants shall issue an annual report to the Department of 67394  
Education detailing the use of the funds and the impact of the 67395  
system developed by the district. 67396

Of the foregoing appropriation item 200-410, Educator 67397  
Training, up to \$350,000 in each fiscal year shall be used for 67398  
training and professional development of school administrators, 67399  
school treasurers, and school business officials. 67400

Of the foregoing appropriation item 200-410, Educator 67401  
Training, up to \$63,000 in each fiscal year shall be used to 67402  
support the Ohio University Leadership Program. 67403

Of the foregoing appropriation item 200-410, Educator 67404  
Training, \$250,000 in each fiscal year shall be used to support 67405  
the Ohio School Leadership Institute. 67406

**Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH** 67407

The foregoing appropriation item 200-416, Career-Technical 67408  
Education Match, shall be used by the Department of Education to 67409  
provide vocational administration matching funds under 20 U.S.C. 67410  
2311. 67411

**COMPUTER/APPLICATION/NETWORK DEVELOPMENT** 67412

The foregoing appropriation item 200-420, 67413  
Computer/Application/Network Development, shall be used to support 67414  
the development and implementation of information technology 67415  
solutions designed to improve the performance and services of the 67416  
Department of Education. Funds may be used for personnel, 67417  
maintenance, and equipment costs related to the development and 67418  
implementation of these technical system projects. Implementation 67419  
of these systems shall allow the Department to provide greater 67420  
levels of assistance to school districts and to provide more 67421  
timely information to the public, including school districts, 67422  
administrators, and legislators. Funds may also be used to support 67423  
data-driven decision-making and differentiated instruction, as 67424  
well as to communicate academic content standards and curriculum 67425  
models to schools through web-based applications. 67426

**Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS** 67427

There is hereby created the Alternative Education Advisory 67428  
Council, which shall consist of one representative from each of 67429  
the following agencies: the Ohio Department of Education; the 67430  
Department of Youth Services; the Ohio Department of Alcohol and 67431  
Drug Addiction Services; the Department of Mental Health; the 67432  
Office of the Governor or, at the Governor's discretion, the 67433  
Office of the Lieutenant Governor; the Office of the Attorney 67434  
General; and the Office of the Auditor of State. 67435

Of the foregoing appropriation item 200-421, Alternative 67436



Education Programs, up to \$6,227,310 in each fiscal year shall be 67437  
used for the renewal of successful implementation grants and for 67438  
competitive matching grants to the 21 urban school districts as 67439  
defined in division (0) of section 3317.02 of the Revised Code as 67440  
it existed prior to July 1, 1998, and up to \$6,161,074 in each 67441  
fiscal year shall be used for the renewal of successful 67442  
implementation grants and for competitive matching grants to rural 67443  
and suburban school districts for alternative educational programs 67444  
for existing and new at-risk and delinquent youth. Programs shall 67445  
be focused on youth in one or more of the following categories: 67446  
those who have been expelled or suspended, those who have dropped 67447  
out of school or who are at risk of dropping out of school, those 67448  
who are habitually truant or disruptive, or those on probation or 67449  
on parole from a Department of Youth Services facility. Grants 67450  
shall be awarded according to the criteria established by the 67451  
Alternative Education Advisory Council in 1999. Grants shall be 67452  
awarded only to programs in which the grant will not serve as the 67453  
program's primary source of funding. These grants shall be 67454  
administered by the Department of Education. 67455

The Department of Education may waive compliance with any 67456  
minimum education standard established under section 3301.07 of 67457  
the Revised Code for any alternative school that receives a grant 67458  
under this section on the grounds that the waiver will enable the 67459  
program to more effectively educate students enrolled in the 67460  
alternative school. 67461

Of the foregoing appropriation item 200-421, Alternative 67462  
Education Programs, up to \$322,281 in each fiscal year may be used 67463  
for program administration, monitoring, technical assistance, 67464  
support, research, and evaluation. Any unexpended balance may be 67465  
used to provide additional matching grants to urban, suburban, or 67466  
rural school districts as outlined above. 67467

Of the foregoing appropriation item 200-421, Alternative 67468

Education Programs, \$100,000 in each fiscal year shall be used to 67469  
support the Toledo Tech Academy. Of this amount, \$25,000 in each 67470  
fiscal year shall be used by the Toledo Tech Academy to enhance 67471  
and establish For Inspiration and Recognition in Science and 67472  
Technology programs. (F.I.R.S.T.) 67473

Of the foregoing appropriation item 200-421, Alternative 67474  
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 67475  
to support Improved Solutions for Urban Students (ISUS) in 67476  
Dayton/Sinclair Youth Initiative. 67477

Of the foregoing appropriation item 200-421, Alternative 67478  
Education Programs, \$100,000 in each fiscal year shall be provided 67479  
to the Cincinnati Arts and Technology Center to increase program 67480  
support for high-risk teens and unemployed urban adults. 67481

**Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE** 67482

Of the foregoing appropriation item 200-422, School 67483  
Management Assistance, up to \$1,715,000 in each fiscal year shall 67484  
be used by the Auditor of State in consultation with the 67485  
Department of Education for expenses incurred in the Auditor of 67486  
State's role relating to fiscal caution, fiscal watch, and fiscal 67487  
emergency activities as defined in Chapter 3316. of the Revised 67488  
Code and may also be used to conduct performance audits with 67489  
priority given to districts in fiscal distress. Expenses include 67490  
duties related to the completion of performance audits for school 67491  
districts that the Superintendent of Public Instruction determines 67492  
are employing fiscal practices or experiencing budgetary 67493  
conditions that could produce a state of fiscal watch or fiscal 67494  
emergency. 67495

Of the foregoing appropriation item 200-422, School 67496  
Management Assistance, up to \$250,000 in each fiscal year shall be 67497  
used by the Department of Education to work with school districts 67498  
and entities that serve school districts to develop and deploy 67499

analytical tools that allow districts and other stakeholders to 67500  
analyze more thoroughly district spending patterns in order to 67501  
promote more effective and efficient use of resources. Quarterly 67502  
updates of the progress for implementation of these tools shall be 67503  
provided to the Governor, and the Department shall give due 67504  
diligence to implementing these tools in the shortest reasonable 67505  
timeline. 67506

The remainder of foregoing appropriation item 200-422, School 67507  
Management Assistance, shall be used by the Department of 67508  
Education to provide fiscal technical assistance and inservice 67509  
education for school district management personnel and to 67510  
administer, monitor, and implement the fiscal watch and fiscal 67511  
emergency provisions under Chapter 3316. of the Revised Code. 67512

**Section 269.10.70. POLICY ANALYSIS** 67513

The foregoing appropriation item 200-424, Policy Analysis, 67514  
shall be used by the Department of Education to support a system 67515  
of administrative, statistical, and legislative education 67516  
information to be used for policy analysis. Staff supported by 67517  
this appropriation shall administer the development of reports, 67518  
analyses, and briefings to inform education policymakers of 67519  
current trends in education practice, efficient and effective use 67520  
of resources, and evaluation of programs to improve education 67521  
results. The database shall be kept current at all times. These 67522  
research efforts shall be used to supply information and analysis 67523  
of data to the General Assembly and other state policymakers, 67524  
including the Office of Budget and Management and the Legislative 67525  
Service Commission. 67526

The Department of Education may use funding from this 67527  
appropriation item to purchase or contract for the development of 67528  
software systems or contract for policy studies that will assist 67529  
in the provision and analysis of policy-related information. 67530

Funding from this appropriation item also may be used to monitor 67531  
and enhance quality assurance for research-based policy analysis 67532  
and program evaluation to enhance the effective use of education 67533  
information to inform education policymakers. 67534

TECH PREP CONSORTIA SUPPORT 67535

The foregoing appropriation item 200-425, Tech Prep Consortia 67536  
Support, shall be used by the Department of Education to support 67537  
state-level activities designed to support, promote, and expand 67538  
tech prep programs. Use of these funds shall include, but not be 67539  
limited to, administration of grants, program evaluation, 67540  
professional development, curriculum development, assessment 67541  
development, program promotion, communications, and statewide 67542  
coordination of tech prep consortia. 67543

**Section 269.10.80.** OHIO EDUCATIONAL COMPUTER NETWORK 67544

The foregoing appropriation item 200-426, Ohio Educational 67545  
Computer Network, shall be used by the Department of Education to 67546  
maintain a system of information technology throughout Ohio and to 67547  
provide technical assistance for such a system in support of the 67548  
State Education Technology Plan under section 3301.07 of the 67549  
Revised Code. 67550

Of the foregoing appropriation item 200-426, Ohio Educational 67551  
Computer Network, up to \$18,136,691 in each fiscal year shall be 67552  
used by the Department of Education to support connection of all 67553  
public school buildings and participating chartered nonpublic 67554  
schools to the state's education network, to each other, and to 67555  
the Internet. In each fiscal year the Department of Education 67556  
shall use these funds to assist information technology centers or 67557  
school districts with the operational costs associated with this 67558  
connectivity. The Department of Education shall develop a formula 67559  
and guidelines for the distribution of these funds to information 67560  
technology centers or individual school districts. As used in this 67561

section, "public school building" means a school building of any 67562  
city, local, exempted village, or joint vocational school 67563  
district, any community school established under Chapter 3314. of 67564  
the Revised Code, any educational service center building used for 67565  
instructional purposes, the Ohio School for the Deaf and the Ohio 67566  
School for the Blind, or high schools chartered by the Ohio 67567  
Department of Youth Services and high schools operated by Ohio 67568  
Department of Rehabilitation and Corrections' Ohio Central School 67569  
System. 67570

Of the foregoing appropriation item 200-426, Ohio Educational 67571  
Computer Network, up to \$2,469,223 in each fiscal year shall be 67572  
used for the Union Catalog and InfOhio Network and to support the 67573  
provision of electronic resources with priority given to resources 67574  
that support the teaching of state academic content standards in 67575  
all public schools. Consideration shall be given by the Department 67576  
of Education to coordinating the allocation of these moneys with 67577  
the efforts of Libraries Connect Ohio, whose members include 67578  
OhioLINK, the Ohio Public Information Network, and the State 67579  
Library of Ohio. 67580

Of the foregoing appropriation item 200-426, Ohio Educational 67581  
Computer Network, up to \$8,338,468 in each fiscal year shall be 67582  
used, through a formula and guidelines devised by the Department, 67583  
to subsidize the activities of designated information technology 67584  
centers, as defined by State Board of Education rules, to provide 67585  
school districts and chartered nonpublic schools with 67586  
computer-based student and teacher instructional and 67587  
administrative information services, including approved 67588  
computerized financial accounting, and to ensure the effective 67589  
operation of local automated administrative and instructional 67590  
systems. 67591

The remainder of appropriation item 200-426, Ohio Educational 67592  
Computer Network, shall be used to support development, 67593

maintenance, and operation of a network of uniform and compatible 67594  
computer-based information and instructional systems. This 67595  
technical assistance shall include, but not be restricted to, 67596  
development and maintenance of adequate computer software systems 67597  
to support network activities. In order to improve the efficiency 67598  
of network activities, the Department and information technology 67599  
centers may jointly purchase equipment, materials, and services 67600  
from funds provided under this appropriation for use by the 67601  
network and, when considered practical by the Department, may 67602  
utilize the services of appropriate state purchasing agencies. 67603

**Section 269.10.90. ACADEMIC STANDARDS** 67604

Of the foregoing appropriation item 200-427, Academic 67605  
Standards, \$150,000 in each fiscal year shall be used by the 67606  
Department in combination with funding earmarked for this purpose 67607  
in the Board of Regents' budget under appropriation item 235-321, 67608  
Operating Expenses. Such funding shall be used to support Ohio's 67609  
Partnership for Continued Learning at the direction of the Office 67610  
of the Governor. Ohio's Partnership for Continued Learning 67611  
replaces and broadens the former Joint Council of the Department 67612  
of Education and the Board of Regents. The Partnership shall 67613  
advise and make recommendations to promote collaboration among 67614  
relevant state entities in an effort to help local communities 67615  
develop coherent and successful "P-16" learning systems. The 67616  
Governor, or the Governor's designee, shall serve as the 67617  
chairperson. 67618

Of the foregoing appropriation item 200-427, Academic 67619  
Standards, \$1,000,000 in each fiscal year shall be used for 67620  
Project Lead the Way leadership and management oversight and 67621  
initial and continuing support of Project Lead the Way workforce 67622  
development programs in participating school districts. 67623

Of the foregoing appropriation item 200-427, Academic 67624

Standards, \$50,000 in each fiscal year shall be provided to the 67625  
Art Academy of Cincinnati to support technology needs for the 67626  
annual operation of its undergraduate, graduate, and noncredit 67627  
programs and for administrative staff support. 67628

The remainder of appropriation item 200-427, Academic 67629  
Standards, shall be used by the Department of Education to 67630  
develop, revise, and communicate to school districts academic 67631  
content standards and curriculum models. The Department may also 67632  
use the remainder to develop program models that demonstrate how 67633  
the academic content standards can be implemented in high school 67634  
classrooms and to offer online continuing education courses. The 67635  
Department of Education may also use the remainder to support the 67636  
coordination of Physical Education standards. 67637

**Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES** 67638

Of the foregoing appropriation item 200-431, School 67639  
Improvement Initiatives, \$450,000 in each fiscal year shall be 67640  
used for Ohio's Rural Appalachian Leadership Development 67641  
Initiative. 67642

Of the foregoing appropriation item 200-431, School 67643  
Improvement Initiatives, up to \$601,165 in each fiscal year shall 67644  
be used by the Department of Education to support educational 67645  
media centers to provide Ohio public schools with instructional 67646  
resources and services, with priority given to resources and 67647  
services aligned with state academic content standards. 67648

Of the foregoing appropriation item 200-431, School 67649  
Improvement Initiatives, up to \$10,387,835 in each fiscal year 67650  
shall be used to support districts in the development and 67651  
implementation of their continuous improvement plans as required 67652  
in section 3302.04 of the Revised Code and to provide technical 67653  
assistance and support in accordance with Title I of the "No Child 67654  
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This 67655

funding shall serve as a supplement to the funds provided under 67656  
division (K) of section 3317.029 of the Revised Code, which 67657  
represents state support for school improvement initiatives that 67658  
assist school districts in closing the achievement gap. 67659

Of the foregoing appropriation item 200-431, School 67660  
Improvement Initiatives, up to \$236,250 in each fiscal year shall 67661  
be used to reduce the dropout rate by addressing the academic and 67662  
social problems of inner-city students through Project GRAD. 67663

Of the foregoing appropriation item 200-431, School 67664  
Improvement Initiatives, up to \$7,988,985 in fiscal year 2008 and 67665  
up to \$8,323,985 in fiscal year 2009 shall be used to redesign 67666  
high schools and improve urban schools. This funding may be used 67667  
for a pilot program in partnership with nonprofit groups with 67668  
expertise in converting existing large urban high schools into 67669  
small, personalized high schools. Districts eligible for such 67670  
pilot funding include the Urban 21 high schools, as defined in 67671  
division (O) of section 3317.02 of the Revised Code as it existed 67672  
prior to July 1, 1998. The funding may also be used for 67673  
administrative costs to redesign high schools and improve urban 67674  
schools and in conjunction with funding provided in the Board of 67675  
Regents' budget under appropriation item 235-434, College 67676  
Readiness and Access, to create early college high schools, which 67677  
are small, autonomous schools that blend high school and college 67678  
into a coherent educational program. The funds for early college 67679  
high schools shall be distributed according to guidelines 67680  
established by the Department of Education and the Board of 67681  
Regents. 67682

Of the foregoing appropriation item 200-431, School 67683  
Improvement Initiatives, up to \$75,000 in each fiscal year shall 67684  
be provided to Southern State Community College for the Pilot 67685  
Post-Secondary Enrollment Options Program with Miami Trace High 67686  
School. 67687



Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$1,000,000 in each fiscal year shall be used to support Jobs for Ohio Graduates (JOG). The Department of Education shall require a two-to-one match of local funding to state funding before releasing these funds to JOG.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$600,000 in each fiscal year shall be used by the Department of Education to support start-up costs for gaining business and industry credentialing program accreditation and to support the development of a data collection system across the numerous industry test providers. Funds shall also be used to help subsidize the cost of student participation in industry assessments, provide research on industry assessments for alignment to industry-established content standards, provide professional development opportunities for educators, and prepare schools and adult centers to organize for credential alignment and delivery.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$250,000 in each fiscal year shall be used to support Amer-I-Can.

**Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL DEVELOPMENT**

Of the foregoing appropriation item 200-433, Literacy Improvement-Professional Development, up to \$9,540,000 in each fiscal year shall be used for educator training in literacy for classroom teachers, administrators, and literacy specialists.

Of the foregoing appropriation item 200-433, Literacy Improvement-Professional Development, up to \$5,000,000 in each fiscal year shall be used to support literacy professional development partnerships between the Department of Education, higher education institutions, literacy networks, and school

districts. 67719

Of the foregoing appropriation item 200-433, Literacy 67720  
Improvement - Professional Development, up to \$900,000 in each 67721  
fiscal year shall be used by the Department of Education to fund 67722  
the Reading Recovery Training Network, to cover the cost of 67723  
release time for the teacher trainers, and to provide grants to 67724  
districts to implement other reading improvement programs on a 67725  
pilot basis. Funds from this set-aside also may be used to conduct 67726  
evaluations of the impact and effectiveness of Reading Recovery 67727  
and other reading improvement programs. 67728

Of the foregoing appropriation item 200-433, Literacy 67729  
Improvement-Professional Development, \$100,000 in each fiscal year 67730  
shall be provided to the Contemporary Arts Center for art 67731  
education for children and a children's museum. 67732

The remainder of appropriation item 200-433, Literacy 67733  
Improvement-Professional Development, shall be used by the 67734  
Department of Education to provide administrative support of 67735  
literacy professional development programs. Upon approval of the 67736  
Controlling Board, the Department may also use the remainder to 67737  
contract with an external evaluator on the effectiveness of 67738  
literacy professional development initiatives in the academic 67739  
achievement of students. 67740

STUDENT ASSESSMENT 67741

Of the foregoing appropriation item 200-437, Student 67742  
Assessment, up to \$207,364 in fiscal year 2008 and up to \$212,486 67743  
in fiscal year 2009 may be used to support the assessments 67744  
required under section 3301.0715 of the Revised Code. 67745

The remainder of appropriation item 200-437, Student 67746  
Assessment, shall be used to develop, field test, print, 67747  
distribute, score, report results, and support other associated 67748  
costs for the tests required under sections 3301.0710 and 67749

3301.0711 of the Revised Code and for similar purposes as required 67750  
by section 3301.27 of the Revised Code. If funds remain in this 67751  
appropriation after these purposes have been fulfilled, the 67752  
Department may use the remainder of the appropriation to develop 67753  
end-of-course exams. 67754

**Section 269.20.30. ACCOUNTABILITY/REPORT CARDS** 67755

Of the foregoing appropriation item 200-439, 67756  
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 67757  
shall be used to train district and regional specialists and 67758  
district educators in the use of the value-added progress 67759  
dimension and in the use of data as it relates to improving 67760  
student achievement. This funding shall be used in consultation 67761  
with a credible nonprofit organization with expertise in 67762  
value-added progress dimensions. 67763

The remainder of appropriation item 200-439, 67764  
Accountability/Report Cards, shall be used by the Department to 67765  
incorporate a statewide pilot value-added progress dimension into 67766  
performance ratings for school districts and for the development 67767  
of an accountability system that includes the preparation and 67768  
distribution of school report cards under section 3302.03 of the 67769  
Revised Code. 67770

**CHILD CARE LICENSING** 67771

The foregoing appropriation item 200-442, Child Care 67772  
Licensing, shall be used by the Department of Education to license 67773  
and to inspect preschool and school-age child care programs under 67774  
sections 3301.52 to 3301.59 of the Revised Code. 67775

**Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM** 67776

The foregoing appropriation item 200-446, Education 67777  
Management Information System, shall be used by the Department of 67778  
Education to improve the Education Management Information System 67779

(EMIS). 67780

Of the foregoing appropriation item 200-446, Education 67781  
Management Information System, up to \$1,338,620 in fiscal year 67782  
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 67783  
to designated information technology centers for costs relating to 67784  
processing, storing, and transferring data for the effective 67785  
operation of the EMIS. These costs may include, but are not 67786  
limited to, personnel, hardware, software development, 67787  
communications connectivity, professional development, and support 67788  
services, and to provide services to participate in the State 67789  
Education Technology Plan pursuant to section 3301.07 of the 67790  
Revised Code. 67791

Of the foregoing appropriation item 200-446, Education 67792  
Management Information System, up to \$8,256,569 in fiscal year 67793  
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 67794  
on a per-pupil basis to school districts, community schools 67795  
established under Chapter 3314. of the Revised Code, educational 67796  
service centers, joint vocational school districts, and any other 67797  
education entity that reports data through EMIS. From this 67798  
funding, each school district or community school established 67799  
under Chapter 3314. of the Revised Code with enrollment greater 67800  
than 100 students and each vocational school district shall 67801  
receive a minimum of \$5,000 in each fiscal year. Each school 67802  
district or community school established under Chapter 3314. of 67803  
the Revised Code with enrollment between one and one hundred and 67804  
each educational service center and each county board of MR/DD 67805  
that submits data through EMIS shall receive \$3,000 in each fiscal 67806  
year. This subsidy shall be used for costs relating to reporting, 67807  
processing, storing, transferring, and exchanging data necessary 67808  
to meet requirements of the Department of Education's data system. 67809

The remainder of appropriation item 200-446, Education 67810  
Management Information System, shall be used to develop and 67811

support a common core of data definitions and standards as adopted 67812  
by the Education Management Information System Advisory Board, 67813  
including the ongoing development and maintenance of the data 67814  
dictionary and data warehouse. In addition, such funds shall be 67815  
used to support the development and implementation of data 67816  
standards and the design, development, and implementation of a new 67817  
data exchange system. 67818

Any provider of software meeting the standards approved by 67819  
the Education Management Information System Advisory Board shall 67820  
be designated as an approved vendor and may enter into contracts 67821  
with local school districts, community schools, information 67822  
technology centers, or other educational entities for the purpose 67823  
of collecting and managing data required under Ohio's education 67824  
management information system (EMIS) laws. On an annual basis, the 67825  
Department of Education shall convene an advisory group of school 67826  
districts, community schools, and other education-related entities 67827  
to review the Education Management Information System data 67828  
definitions and data format standards. The advisory group shall 67829  
recommend changes and enhancements based upon surveys of its 67830  
members, education agencies in other states, and current industry 67831  
practices, to reflect best practices, align with federal 67832  
initiatives, and meet the needs of school districts. 67833

School districts and community schools not implementing a 67834  
common and uniform set of data definitions and data format 67835  
standards for Education Management Information System purposes 67836  
shall have all EMIS funding withheld until they are in compliance. 67837

**Section 269.20.50. GED TESTING** 67838

The foregoing appropriation item 200-447, GED Testing, shall 67839  
be used to provide General Educational Development (GED) testing 67840  
at no cost to applicants, under rules adopted by the State Board 67841  
of Education. The Department of Education shall reimburse school 67842

districts and community schools, created under Chapter 3314. of 67843  
the Revised Code, for a portion of the costs incurred in providing 67844  
summer instructional or intervention services to students who have 67845  
not graduated because of their inability to pass one or more parts 67846  
of the state's Ohio Graduation Test or ninth grade proficiency 67847  
test. School districts shall also provide such services to 67848  
students who are residents of the district under section 3313.64 67849  
of the Revised Code, but who are enrolled in chartered, nonpublic 67850  
schools. The services shall be provided in the public school, in 67851  
nonpublic schools, in public centers, or in mobile units located 67852  
on or off the nonpublic school premises. No school district shall 67853  
provide summer instructional or intervention services to nonpublic 67854  
school students as authorized by this section unless such services 67855  
are available to students attending the public schools within the 67856  
district. No school district shall provide services for use in 67857  
religious courses, devotional exercises, religious training, or 67858  
any other religious activity. Chartered, nonpublic schools shall 67859  
pay for any unreimbursed costs incurred by school districts for 67860  
providing summer instruction or intervention services to students 67861  
enrolled in chartered, nonpublic schools. School districts may 67862  
provide these services to students directly or contract with 67863  
postsecondary or nonprofit community-based institutions in 67864  
providing instruction. 67865

**Section 269.20.60. EDUCATOR PREPARATION** 67866

Of the foregoing appropriation item 200-448, Educator 67867  
Preparation, \$100,000 in each fiscal year shall be provided in 67868  
conjunction with funding in the Board of Regents' budget under 67869  
appropriation item 235-435, Teacher Improvement Initiatives, to 67870  
the Teacher Quality Partnership Project. The Teacher Quality 67871  
Partnership is a research consortium of Ohio's fifty colleges and 67872  
universities providing teacher preparation programs. Funds shall 67873  
be used to support a comprehensive longitudinal study of the 67874

preparation, in-school support, and effectiveness of Ohio teachers. 67875  
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The remainder of appropriation item 200-448, Educator Preparation, may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code as it develops and recommends to the State Board of Education standards for educator training and standards for teacher and other school leadership positions. Any remaining funds may be used by the Department to develop alternative preparation programs for school leaders. 67877  
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**Section 269.20.70. COMMUNITY SCHOOLS** 67885

Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code. 67886  
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Of the foregoing appropriation item 200-455, Community Schools, up to \$225,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing the training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states. 67890  
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**STEM INITIATIVES** 67899

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$2,783,000 in each fiscal year shall be provided as start-up grants to new STEM schools under the section of this act entitled "AWARD OF STEM INITIATIVES GRANTS." 67900  
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Of the foregoing appropriation item 200-457, STEM 67904

Initiatives, up to \$3,500,000 in each fiscal year shall be used to support STEM Programs of Excellence under the section of this act entitled "AWARD OF STEM INITIATIVES GRANTS."

Of the foregoing appropriation item 200-457, STEM Initiatives, \$350,000 in each fiscal year shall be used to support the Young Buckeye STEM Scholars After School and Summer Program designed by the Ohio Academy of Science.

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$2,600,000 in each fiscal year shall be used for mathematics initiatives that include, but are not limited to, intensive teacher professional development institutes that focus on classroom implementation of the mathematics standards.

Of the foregoing appropriation item 200-457, STEM Initiatives, \$200,000 in each fiscal year may be used to support the Ohio Resource Center for Math and Science.

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$282,000 in each fiscal year shall be used for the JASON Expedition project that provides statewide access to JASON Expedition content. Funds shall be used to provide professional development training for teachers participating in the project, statewide management, and a seventy-five per cent subsidy for statewide licensing of JASON Expedition content with priority given to content aligned with state academic content standards for approximately 90,000 middle school students statewide.

Of the foregoing appropriation item 200-457, STEM Initiatives, \$285,000 in each fiscal year shall be used for science initiatives that include, but are not limited to, the Ohio Science Institute (OSCI).

**Section 269.20.75. AWARD OF STEM INITIATIVES GRANTS**



(A) As used in this section:	67935
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	67936 67937
(2) "STEM" is an abbreviation for science, technology, engineering, and mathematics.	67938 67939
(B) The Partnership for Continued Learning shall prescribe criteria for awarding start-up grants to new STEM schools and grants to support STEM programs of excellence. The criteria for each type of grant shall include the maximum number of grants, minimum and maximum amounts of the grants, and minimum standards for the schools and programs receiving the grants.	67940 67941 67942 67943 67944 67945
(C) The Department of Education, in consultation with the Ohio Board of Regents, the Chancellor of the Board, and the Partnership for Continued Learning, and in accordance with the criteria prescribed under division (B) of this section, shall award start-up grants for new STEM schools and grants for STEM programs of excellence.	67946 67947 67948 67949 67950 67951
(D) Start-up grants for new STEM schools shall be awarded to school districts, including joint vocational school districts, educational service centers, community schools, or consortiums of school districts, educational service centers, or community schools, for schools that are not in operation prior to receiving the grant and that will serve only students above grade six. To be considered for an award, the applicant shall demonstrate to the Department's satisfaction that the school meets at least the following standards:	67952 67953 67954 67955 67956 67957 67958 67959 67960
(1) The new STEM school will not base student admission on intellectual ability or measures of achievement, aptitude, or ability.	67961 67962 67963
(2) The new STEM school will offer a rigorous and diverse curriculum that is based on scientific inquiry and scientific	67964 67965

design, features the arts and humanities, and emphasizes 67966  
personalized learning and teamwork skills, and the goal of which 67967  
is to prepare students for college, the work force, and 67968  
citizenship. 67969

(3) The new STEM school will attract school leaders who 67970  
support the principles of division (D)(2) of this section. 67971

(4) The new STEM school will utilize a knowledge management 67972  
mechanism for best practices and innovative professional 67973  
development. 67974

(E) In awarding start-up grants for new STEM schools, the 67975  
Department shall give preference to proposed new STEM schools that 67976  
both: 67977

(1) Are developed in collaboration with a regional 67978  
partnership that includes institutions of higher education, local 67979  
businesses, and leaders of community organizations and local 67980  
governments; 67981

(2) Have received commitments of sustained and verifiable 67982  
fiscal or in-kind support from regional educational and business 67983  
entities. 67984

(F) A school district, school building operated by a school 67985  
district, community school, or educational service center may 67986  
apply for a grant for a STEM program of excellence to serve 67987  
students in any of grades kindergarten through eight. To be 67988  
considered for an award, the applicant shall demonstrate to the 67989  
Department's satisfaction that the program meets at least the 67990  
following standards: 67991

(1) The program will serve all students enrolled in the 67992  
district or school in the grades for which the program is 67993  
designed. 67994

(2) The program will offer a rigorous and diverse curriculum 67995

that is based on scientific inquiry and scientific design, that 67996  
emphasizes personalized learning and teamwork skills, and that 67997  
will expose students to advanced scientific concepts within and 67998  
outside the classroom. 67999

(3) The program will include teacher professional development 68000  
strategies that are augmented by community and business partners. 68001

(G) In awarding grants to support STEM programs of 68002  
excellence, the Department shall give preference to programs that 68003  
have received commitments of sustained and verifiable fiscal or 68004  
in-kind support from regional educational and business entities. 68005

**Section 269.20.80. PUPIL TRANSPORTATION** 68006

Of the foregoing appropriation item 200-502, Pupil 68007  
Transportation, up to \$830,624 in fiscal year 2008 and up to 68008  
\$838,930 in fiscal year 2009 may be used by the Department of 68009  
Education for training prospective and experienced school bus 68010  
drivers in accordance with training programs prescribed by the 68011  
Department. Up to \$59,870,514 in fiscal year 2008 and up to 68012  
\$60,469,220 in fiscal year 2009 may be used by the Department of 68013  
Education for special education transportation reimbursements to 68014  
school districts and county MR/DD boards for transportation 68015  
operating costs as provided in division (J) of section 3317.024 of 68016  
the Revised Code. The remainder of appropriation item 200-502, 68017  
Pupil Transportation, shall be used for the state reimbursement of 68018  
public school districts' costs in transporting pupils to and from 68019  
the school they attend in accordance with the district's policy, 68020  
State Board of Education standards, and the Revised Code. 68021

Notwithstanding the distribution formula outlined in division 68022  
(D) of section 3317.022 of the Revised Code, each school district 68023  
shall receive an additional one per cent in state funding for 68024  
transportation in fiscal year 2008 over what was received in 68025  
fiscal year 2007, and the local share of transportation costs that 68026

is used in the calculation of the charge-off supplement under 68027  
section 3317.0216 of the Revised Code and the excess cost 68028  
supplement under division (F) of section 3317.022 of the Revised 68029  
Code for each school district in fiscal year 2008 shall be 68030  
increased by one per cent from that used in calculations in fiscal 68031  
year 2007. 68032

Notwithstanding the distribution formula outlined in division 68033  
(D) of section 3317.022 of the Revised Code, each school district 68034  
shall receive an additional one per cent in state funding for 68035  
transportation in fiscal year 2009 over what was received in 68036  
fiscal year 2008, and the local share of transportation costs that 68037  
is used in the calculation of the charge-off supplement under 68038  
section 3317.0216 of the Revised Code and the excess cost 68039  
supplement under division (F) of section 3317.022 of the Revised 68040  
Code for each school district in fiscal year 2009 shall be 68041  
increased by one per cent from that used in calculations in fiscal 68042  
year 2008. 68043

School districts not receiving state funding for 68044  
transportation in fiscal year 2005 under division (D) of section 68045  
3317.022 of the Revised Code shall not receive state funding for 68046  
transportation in fiscal year 2008 or fiscal year 2009. 68047

**Section 269.20.83.** Not later than December 31, 2008, the 68048  
Department of Education shall complete a study and submit to the 68049  
General Assembly in accordance with section 101.68 of the Revised 68050  
Code a report of findings regarding, and legislative and other 68051  
recommendations for enhancing regional collaboration among school 68052  
districts, educational service centers, community schools, and 68053  
nonpublic schools in the provision of pupil transportation. The 68054  
study shall include the role of educational service centers in 68055  
providing pupil transportation. In conducting the study, the 68056  
Department shall consult with the state regional alliance advisory 68057

board created by section 3312.11 of the Revised Code. 68058

**Section 269.20.90. BUS PURCHASE ALLOWANCE** 68059

The foregoing appropriation item 200-503, Bus Purchase 68060  
Allowance, shall be distributed to school districts, educational 68061  
service centers, and county MR/DD boards pursuant to rules adopted 68062  
under section 3317.07 of the Revised Code. Up to 28 per cent of 68063  
the amount appropriated may be used to reimburse school districts 68064  
and educational service centers for the purchase of buses to 68065  
transport students with disabilities and nonpublic school students 68066  
and to county MR/DD boards, the Ohio School for the Deaf, and the 68067  
Ohio School for the Blind for the purchase of buses to transport 68068  
students with disabilities. 68069

**SCHOOL LUNCH MATCH** 68070

The foregoing appropriation item 200-505, School Lunch Match, 68071  
shall be used to provide matching funds to obtain federal funds 68072  
for the school lunch program. 68073

**Section 269.30.10. ADULT LITERACY EDUCATION** 68074

The foregoing appropriation item 200-509, Adult Literacy 68075  
Education, shall be used to support adult basic and literacy 68076  
education instructional programs and the State Literacy Resource 68077  
Center Program. 68078

Of the foregoing appropriation item 200-509, Adult Literacy 68079  
Education, up to \$488,037 in each fiscal year shall be used for 68080  
the support and operation of the State Literacy Resource Center. 68081

Of the foregoing appropriation item 200-509, Adult Literacy 68082  
Education, up to \$175,000 in each fiscal year shall be used for 68083  
state reimbursement to school districts for adult high school 68084  
continuing education programs under section 3313.531 of the 68085  
Revised Code or for costs associated with awarding adult high 68086

school diplomas under section 3313.611 of the Revised Code. 68087

Of the foregoing appropriation item 200-509, Adult Literacy 68088  
Education, \$130,000 in each fiscal year shall be used to support 68089  
initiatives for English as a Second Language programs. Funding 68090  
shall be distributed as follows: \$60,000 in each fiscal year for 68091  
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 68092  
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 68093  
each fiscal year for Jewish Family Services of Cincinnati, and 68094  
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 68095

The remainder of the appropriation shall be used to continue 68096  
to satisfy the state match and maintenance of effort requirements 68097  
for the support and operation of the Department of 68098  
Education-administered instructional grant program for adult basic 68099  
and literacy education in accordance with the Department's state 68100  
plan for adult basic and literacy education as approved by the 68101  
State Board of Education and the Secretary of the United States 68102  
Department of Education. 68103

**Section 269.30.20. AUXILIARY SERVICES** 68104

The foregoing appropriation item 200-511, Auxiliary Services, 68105  
shall be used by the Department of Education for the purpose of 68106  
implementing section 3317.06 of the Revised Code. Of the 68107  
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 68108  
\$2,121,800 in fiscal year 2009 may be used for payment of the 68109  
Post-Secondary Enrollment Options Program for nonpublic students. 68110  
Notwithstanding section 3365.10 of the Revised Code, the 68111  
Department, in accordance with Chapter 119. of the Revised Code, 68112  
shall adopt rules governing the distribution method for these 68113  
funds. 68114

**POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION** 68115

Of the foregoing appropriation item 200-514, Postsecondary 68116

Adult Career-Technical Education, \$40,000 in each fiscal year 68117  
shall be used for statewide coordination of the activities of the 68118  
Ohio Young Farmers. 68119

The remainder of appropriation item 200-514, Postsecondary 68120  
Adult Career-Technical Education, shall be used by the State Board 68121  
of Education to provide postsecondary adult career-technical 68122  
education under sections 3313.52 and 3313.53 of the Revised Code. 68123

**Section 269.30.30. GIFTED PUPIL PROGRAM** 68124

The foregoing appropriation item 200-521, Gifted Pupil 68125  
Program, shall be used for gifted education units not to exceed 68126  
1,110 in each fiscal year under division (L) of section 3317.024 68127  
and division (F) of section 3317.05 of the Revised Code. 68128

Of the foregoing appropriation item 200-521, Gifted Pupil 68129  
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 68130  
in fiscal year 2009 may be used as an additional supplement for 68131  
identifying gifted students under Chapter 3324. of the Revised 68132  
Code. 68133

Of the foregoing appropriation item 200-521, Gifted Pupil 68134  
Program, the Department of Education may expend up to \$1,015,858 68135  
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 68136  
the Summer Honors Institute, including funding for the Martin 68137  
Essex Program, which shall be awarded through a request for 68138  
proposals process. 68139

**NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 68140

The foregoing appropriation item 200-532, Nonpublic 68141  
Administrative Cost Reimbursement, shall be used by the Department 68142  
of Education for the purpose of implementing section 3317.063 of 68143  
the Revised Code. 68144

**Section 269.30.40. OHIO CORE SUPPORT** 68145

The foregoing appropriation item 200-536, Ohio Core Support, 68146  
shall be used to support implementation of the Ohio Core Program, 68147  
which requires establishment of a rigorous high school curriculum 68148  
for Ohio's high school students. The Department of Education and 68149  
the Board of Regents shall jointly plan and work collaboratively 68150  
to guide implementation of the Ohio Core Program and to administer 68151  
funding to eligible school districts, fiscal agents, individuals, 68152  
and programs as determined under this section. The Department of 68153  
Education and the Board of Regents shall jointly agree to the 68154  
awarding and expenditure of funds appropriated in this section. 68155

Of the foregoing appropriation item 200-536, Ohio Core 68156  
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 68157  
in fiscal year 2009 shall be used to support the participation of 68158  
teachers licensed in Ohio and mid-career professionals not 68159  
currently employed by a school district or chartered nonpublic 68160  
school or licensed to teach at the primary or secondary education 68161  
levels in a twelve-month intensive training program that leads to 68162  
teacher licensure in a laboratory-based science, advanced 68163  
mathematics, or foreign language field at the secondary education 68164  
level and employment with an Ohio school district school 68165  
designated by the Department of Education as a hard to staff 68166  
school. 68167

Of the foregoing appropriation item 200-536, Ohio Core 68168  
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 68169  
in fiscal year 2009 shall be used to support alternative teacher 68170  
licensure programs developed by educational service centers in 68171  
partnership with institutions of higher education. Participants 68172  
shall be teachers licensed in Ohio and mid-career professionals 68173  
not currently employed by a school district or chartered nonpublic 68174  
school or licensed to teach at the primary or secondary education 68175  
levels. Programs shall support teacher licensure in a 68176  
laboratory-based science, advanced mathematics, or foreign 68177



language field at the secondary education level and employment 68178  
with an Ohio school district school designated by the Department 68179  
of Education as a hard to staff school. The programs shall be 68180  
consistent with the State Board of Education's alternative 68181  
licensure requirements. 68182

Of the foregoing appropriation item 200-536, Ohio Core 68183  
Support, up to \$3,600,000 in each fiscal year shall be distributed 68184  
to school districts, and to public fiscal agents on behalf of 68185  
chartered nonpublic schools, to be used to obtain contracted 68186  
instruction with institutions of higher education in advanced 68187  
mathematics, laboratory-based science, or foreign language for 68188  
public and chartered nonpublic high school students that results 68189  
in dual high school and college credit. Costs shall be based upon 68190  
reasonable expenses that institutions of higher education could 68191  
incur for faculty, supplies, and other associated costs. 68192

Of the foregoing appropriation item 200-536, Ohio Core 68193  
Support, up to \$5,675,000 in fiscal year 2009 shall be distributed 68194  
to public school districts for supplemental post-secondary 68195  
enrollment option participation. The Partnership for Continued 68196  
Learning shall make program recommendations by October 31, 2007, 68197  
to the Department of Education and the Board of Regents to remove 68198  
school district barriers to participation and improve the quality 68199  
of course offerings, ensuring that credit earned at institutions 68200  
of higher education will apply toward high school graduation 68201  
requirements and associate or baccalaureate degree requirements. 68202  
Eligibility requirements and grant amounts awarded to school 68203  
districts in fiscal year 2009 for the program shall be determined 68204  
by criteria established by the Department of Education in 68205  
collaboration with the Board of Regents and the Partnership for 68206  
Continued Learning. 68207

Of the foregoing appropriation item 200-536, Ohio Core 68208  
Support, \$750,000 in fiscal year 2009 shall be used for Advanced 68209

Placement (AP) Summer Institutes for one hundred fifty English, 68210  
social studies, and foreign language teachers and six hundred 68211  
science and mathematics teachers. 68212

**Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS** 68213

Of the foregoing appropriation item 200-540, Special 68214  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 68215  
be used for home instruction for children with disabilities; up to 68216  
\$1,462,500 in each fiscal year shall be used for parent mentoring 68217  
programs; and up to \$2,783,396 in each fiscal year may be used for 68218  
school psychology interns. 68219

Of the foregoing appropriation item 200-540, Special 68220  
Education Enhancements, \$750,000 in each fiscal year shall be used 68221  
for the Out of School Initiative of Sinclair Community College. 68222

Of the foregoing appropriation item 200-540, Special 68223  
Education Enhancements, \$200,000 shall be used for a preschool 68224  
special education pilot program in Bowling Green City School 68225  
District. 68226

Of the foregoing appropriation item 200-540, Special 68227  
Education Enhancements, \$200,000 in each fiscal year shall be used 68228  
to support the Bellefaire Jewish Children's Bureau. 68229

Of the foregoing appropriation item 200-540, Special 68230  
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 68231  
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 68232  
Department of Education to county boards of mental retardation and 68233  
developmental disabilities, educational service centers, and 68234  
school districts for preschool special education units and 68235  
preschool supervisory units under section 3317.052 of the Revised 68236  
Code. To the greatest extent possible, the Department of Education 68237  
shall allocate these units to school districts and educational 68238  
service centers. 68239

The Department may reimburse county MR/DD boards, educational 68240  
service centers, and school districts for services provided by 68241  
instructional assistants, related services as defined in rule 68242  
3301-51-11 of the Administrative Code, physical therapy services 68243  
provided by a licensed physical therapist or a physical therapy 68244  
assistant who provides services under Chapter 4755. of the Revised 68245  
Code and Chapter 4755-27 of the Administrative Code and 68246  
occupational therapy services provided by a licensed occupational 68247  
therapist or an occupational therapy assistant under the 68248  
supervision of a licensed occupational therapist as required under 68249  
Chapter 4755. of the Revised Code and Chapter 4755-7 of the 68250  
Administrative Code. Nothing in this section authorizes 68251  
occupational therapy assistants or physical therapy assistants to 68252  
generate or manage their own caseloads. 68253

The Department of Education shall require school districts, 68254  
educational service centers, and county MR/DD boards serving 68255  
preschool children with disabilities to document child progress 68256  
using research-based indicators prescribed by the Department and 68257  
report results annually. The reporting dates and method shall be 68258  
determined by the Department. 68259

Of the foregoing appropriation item 200-540, Special 68260  
Education Enhancements, up to \$400,000 in each fiscal year shall 68261  
be used for the Collaborative Language and Literacy Instruction 68262  
Project. 68263

Of the foregoing appropriation item 200-540, Special 68264  
Education Enhancements, \$325,000 in each fiscal year shall be used 68265  
by the Ohio Center for Autism and Low Incidence to contract with 68266  
the Delaware-Union Educational Service Center for the provision of 68267  
autism transition services. 68268

Of the foregoing appropriation item 200-540, Special 68269  
Education Enhancements, \$75,000 in each fiscal year shall be used 68270  
for Leaf Lake/Geauga Educational Assistance Funding. 68271

Of the foregoing appropriation item 200-540, Special 68272  
Education Enhancements, \$650,000 in each fiscal year shall be used 68273  
to support Project More for one-to-one reading mentoring. 68274

The remainder of appropriation item 200-540, Special 68275  
Education Enhancements, shall be used to fund special education 68276  
and related services at county boards of mental retardation and 68277  
developmental disabilities for eligible students under section 68278  
3317.20 of the Revised Code and at institutions for eligible 68279  
students under section 3317.201 of the Revised Code. 68280

**Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 68281

Of the foregoing appropriation item 200-545, Career-Technical 68282  
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 68283  
up to \$2,584,427 in fiscal year 2009 shall be used to fund 68284  
career-technical education grants at institutions. 68285

Of the foregoing appropriation item 200-545, Career-Technical 68286  
Education Enhancements, up to \$2,621,507 in each fiscal year shall 68287  
be used by the Department of Education to fund competitive grants 68288  
to tech prep consortia that expand the number of students enrolled 68289  
in tech prep programs. These grant funds shall be used to directly 68290  
support expanded tech prep programs, including equipment, provided 68291  
to students enrolled in school districts, including joint 68292  
vocational school districts, and affiliated higher education 68293  
institutions. 68294

Of the foregoing appropriation item 200-545, Career-Technical 68295  
Education Enhancements, up to \$3,401,000 in each fiscal year shall 68296  
be used by the Department of Education to support existing High 68297  
Schools That Work (HSTW) sites, develop and support new sites, 68298  
fund technical assistance, and support regional centers and middle 68299  
school programs. The purpose of HSTW is to combine challenging 68300  
academic courses and modern career-technical studies to raise the 68301  
academic achievement of students. HSTW provides intensive 68302

technical assistance, focused staff development, targeted 68303  
assessment services, and ongoing communications and networking 68304  
opportunities. 68305

Of the foregoing appropriation item 200-545, Career-Technical 68306  
Education Enhancements, up to \$466,992 in each fiscal year shall 68307  
be allocated for the Ohio Career Information System (OCIS) and 68308  
used for the dissemination of career information data to public 68309  
schools, libraries, rehabilitation centers, two- and four-year 68310  
colleges and universities, and other governmental units. 68311

Of the foregoing appropriation item 200-545, Career-Technical 68312  
Education Enhancements, up to \$300,000 in each fiscal year shall 68313  
be used by the Department of Education to enable students in 68314  
agricultural programs to enroll in a fifth quarter of instruction 68315  
based on the agricultural education model of delivering work-based 68316  
learning through supervised agricultural experience. The 68317  
Department of Education shall determine eligibility criteria and 68318  
the reporting process for the Agriculture 5th Quarter Project and 68319  
shall fund as many programs as possible given the set aside. 68320

**Section 269.30.70. FOUNDATION FUNDING** 68321

The foregoing appropriation item 200-550, Foundation Funding, 68322  
includes \$75,000,000 in each fiscal year for the state education 68323  
aid offset due to the change in public utility valuation as a 68324  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 68325  
General Assembly. This amount represents the total state education 68326  
aid offset due to the valuation change for school districts and 68327  
joint vocational school districts from all relevant appropriation 68328  
line item sources. Upon certification by the Department of 68329  
Education, in consultation with the Department of Taxation, to the 68330  
Director of Budget and Management of the actual state aid offset, 68331  
the cash transfer from Fund 053, appropriation item 200-900, 68332  
School District Property Tax Replacement - Utility, shall be 68333

decreased or increased by the Director of Budget and Management to 68334  
match the certification in accordance with section 5727.84 of the 68335  
Revised Code. 68336

The foregoing appropriation item 200-550, Foundation Funding, 68337  
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 68338  
fiscal year 2009 for the state education aid offset because of the 68339  
changes in tangible personal property valuation as a result of Am. 68340  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 68341  
the total state education aid offset because of the valuation 68342  
change for school districts and joint vocational school districts 68343  
from all relevant appropriation item sources. Upon certification 68344  
by the Department of Education of the actual state education aid 68345  
offset to the Director of Budget and Management, the cash transfer 68346  
from Fund 047, appropriation item 200-909, School District 68347  
Property Tax Replacement - Business, shall be decreased or 68348  
increased by the Director of Budget and Management to match the 68349  
certification in accordance with section 5751.21 of the Revised 68350  
Code. 68351

Of the foregoing appropriation item 200-550, Foundation 68352  
Funding, up to \$425,000 shall be expended in each fiscal year for 68353  
court payments under section 2151.357 of the Revised Code; an 68354  
amount shall be available in each fiscal year to fund up to 225 68355  
full-time equivalent approved GRADS teacher grants under division 68356  
(N) of section 3317.024 of the Revised Code; an amount shall be 68357  
available in each fiscal year to make payments to school districts 68358  
under division (A)(3) of section 3317.022 of the Revised Code; an 68359  
amount shall be available in each fiscal year to make payments to 68360  
school districts under division (F) of section 3317.022 of the 68361  
Revised Code; and up to \$30,000,000 in each fiscal year shall be 68362  
reserved for payments under sections 3317.026, 3317.027, and 68363  
3317.028 of the Revised Code except that the Controlling Board may 68364  
increase the \$30,000,000 amount if presented with such a request 68365

from the Department of Education. 68366

Of the foregoing appropriation item 200-550, Foundation 68367  
Funding, up to \$19,770,000 in fiscal year 2008 and up to 68368  
\$20,545,200 in fiscal year 2009 shall be used to provide 68369  
additional state aid to school districts for special education 68370  
students under division (C)(3) of section 3317.022 of the Revised 68371  
Code, except that the Controlling Board may increase these amounts 68372  
if presented with such a request from the Department of Education 68373  
at the final meeting of the fiscal year; up to \$2,000,000 in each 68374  
fiscal year shall be reserved for Youth Services tuition payments 68375  
under section 3317.024 of the Revised Code; and up to \$52,000,000 68376  
in each fiscal year shall be reserved to fund the state 68377  
reimbursement of educational service centers under section 3317.11 68378  
of the Revised Code and the section of this act entitled 68379  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 68380  
available for special education weighted funding under division 68381  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 68382  
of the Revised Code. 68383

Of the foregoing appropriation item 200-550, Foundation 68384  
Funding, an amount shall be available in each fiscal year to be 68385  
used by the Department of Education for transitional aid for 68386  
school districts and joint vocational school districts. Funds 68387  
shall be distributed under the sections of this act entitled 68388  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 68389  
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 68390  
DISTRICTS." 68391

Of the foregoing appropriation item 200-550, Foundation 68392  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 68393  
Department of Education for a program to pay for educational 68394  
services for youth who have been assigned by a juvenile court or 68395  
other authorized agency to any of the facilities described in 68396  
division (A) of the section of this act entitled "PRIVATE 68397

TREATMENT FACILITY PROJECT." 68398

Of the foregoing appropriation item 200-550, Foundation 68399  
Funding, up to \$3,700,000 in each fiscal year shall be used for 68400  
school breakfast programs. Of this amount, up to \$900,000 shall be 68401  
used in each fiscal year by the Department of Education to 68402  
contract with the Children's Hunger Alliance to expand access to 68403  
child nutrition programs consistent with the organization's 68404  
continued ability to meet specified performance measures as 68405  
detailed in the contract. Of this amount, the Children's Hunger 68406  
Alliance shall use at least \$150,000 in each fiscal year to 68407  
subcontract with an appropriate organization or organizations to 68408  
expand summer food participation in underserved areas of the 68409  
state, consistent with those organizations' continued ability to 68410  
meet specified performance measures as detailed in the 68411  
subcontracts. The remainder of the appropriation shall be used to 68412  
partially reimburse school buildings within school districts that 68413  
are required to have a school breakfast program under section 68414  
3313.813 of the Revised Code, at a rate decided by the Department. 68415

Of the foregoing appropriation item 200-550, Foundation 68416  
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 68417  
in fiscal year 2009 shall be used to operate the school choice 68418  
program in the Cleveland Municipal School District under sections 68419  
3313.974 to 3313.979 of the Revised Code. 68420

Of the portion of the funds distributed to the Cleveland 68421  
Municipal School District under this section, up to \$11,901,887 in 68422  
each fiscal year shall be used to operate the school choice 68423  
program in the Cleveland Municipal School District under sections 68424  
3313.974 to 3313.979 of the Revised Code. 68425

Of the foregoing appropriation item 200-550, Foundation 68426  
Funding, \$3,312,165 in each fiscal year shall be used in 68427  
conjunction with funding appropriated under appropriation item 68428  
200-431, School Improvement Initiatives, to help support districts 68429



in the development and implementation of their continuous 68430  
improvements plans and provide technical assistance and support in 68431  
accordance with Title I of the No Child Left Behind Act of 2001. 68432

The remaining portion of appropriation item 200-550, 68433  
Foundation Funding, shall be expended for the public schools of 68434  
city, local, exempted village, and joint vocational school 68435  
districts, including base-cost funding, special education speech 68436  
service enhancement funding, career-technical education weight 68437  
funding, career-technical education associated service funding, 68438  
teacher training and experience funding, charge-off supplement, 68439  
and excess cost supplement under sections 3317.022, 3317.023, 68440  
3317.0216, and 3317.16 of the Revised Code. 68441

Appropriation items 200-502, Pupil Transportation, 200-521, 68442  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 68443  
200-550, Foundation Funding, other than specific set-asides, are 68444  
collectively used in each fiscal year to pay state formula aid 68445  
obligations for school districts and joint vocational school 68446  
districts under Chapter 3317. of the Revised Code. The first 68447  
priority of these appropriation items, with the exception of 68448  
specific set-asides, is to fund state formula aid obligations 68449  
under Chapter 3317. of the Revised Code. It may be necessary to 68450  
reallocate funds among these appropriation items or use excess 68451  
funds from other general revenue fund appropriation items in the 68452  
Department of Education's budget in each fiscal year, in order to 68453  
meet state formula aid obligations. If it is determined that it is 68454  
necessary to transfer funds among these appropriation items or to 68455  
transfer funds from other General Revenue Fund appropriations in 68456  
the Department of Education's budget to meet state formula aid 68457  
obligations, the Department of Education shall seek approval from 68458  
the Controlling Board to transfer funds as needed. 68459

**Section 269.30.80.** TRANSITIONAL AID FOR CITY, LOCAL, AND 68460

EXEMPTED VILLAGE SCHOOL DISTRICTS	68461
(A) The Department of Education shall distribute funds within appropriation item 200-550, Foundation Funding, for transitional aid in each fiscal year to each qualifying city, local, and exempted village school district.	68462 68463 68464 68465
For fiscal years 2008 and 2009, the Department shall pay transitional aid to each city, local, or exempted village school district that experiences any decrease in its SF-3 funding for the current fiscal year from its transitional aid guarantee base for the current fiscal year. The amount of the transitional aid payment shall equal the difference between the district's SF-3 funding for the current fiscal year and its transitional aid guarantee base for the current fiscal year.	68466 68467 68468 68469 68470 68471 68472 68473
(B)(1) Subject to divisions (B)(3) and (C) of this section, the transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2008 equals the sum of the following as computed for fiscal year 2007, as reconciled by the Department:	68474 68475 68476 68477 68478
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	68479 68480
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	68481 68482 68483
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	68484 68485
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	68486 68487
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	68488 68489
(f) Adjustments for classroom teachers and educational	68490

service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	68491 68492
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	68493 68494
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	68495 68496
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	68497 68498
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	68499 68500
(k) Parity aid under section 3317.0217 of the Revised Code;	68501
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	68502 68503
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	68504 68505
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	68506 68507
(2) Subject to divisions (B)(3) and (C) of this section, the transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2009 equals the sum of the following as computed for fiscal year 2008, as reconciled by the Department:	68508 68509 68510 68511 68512
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	68513 68514
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	68515 68516 68517
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	68518 68519

(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	68520 68521
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	68522 68523
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	68524 68525 68526
(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	68527 68528
(h) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	68529 68530
(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	68531 68532
(j) The charge-off supplement under section 3317.0216 of the Revised Code;	68533 68534
(k) Transitional aid under this section.	68535
(3) The SF-3 funding for each fiscal year for each district is the sum of the amounts specified in divisions (B)(2)(a) to (k) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	68536 68537 68538 68539
(C)(1) Notwithstanding any other provision of law to the contrary, only for purposes of this section, for any computation or computed value for previous fiscal years, the Department of Education shall substitute "ADM value" for "formula ADM," as the latter term was defined in law in effect for the fiscal year for which the previous computations were made.	68540 68541 68542 68543 68544 68545
(2) As used in division (C) of this section, "ADM value" means the number of students reported by the entity providing educational services to those students, as follows:	68546 68547 68548
(a) In the case of students receiving educational services	68549

from a city, exempted village, or local school district, the 68550  
number reported under division (B) of section 3317.03 of the 68551  
Revised Code; 68552

(b) In the case of students receiving educational services 68553  
from a joint vocational school district, the number reported under 68554  
division (D)(2) of section 3317.03 of the Revised Code; 68555

(c) In the case of students receiving services from a 68556  
community school, the number reported by the community school's 68557  
governing authority under division (B)(2) of section 3314.08 of 68558  
the Revised Code; 68559

(d) In the case of scholarship students receiving services 68560  
from a chartered nonpublic school under a scholarship program 68561  
pursuant to Chapter 3310. of the Revised Code, the number of such 68562  
students reported by the nonpublic school in accordance with 68563  
reporting requirements adopted by the Department for purposes of 68564  
that program. 68565

**Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL 68566**  
SCHOOL DISTRICTS 68567

(A) The Department of Education shall distribute funds within 68568  
appropriation item 200-550, Foundation Funding, for transitional 68569  
aid in each fiscal year to each joint vocational school district 68570  
that experiences a decrease in its joint vocational funding for 68571  
the current fiscal year from the previous fiscal year. The 68572  
Department shall distribute to each such district transitional aid 68573  
in an amount equal to the decrease in the district's joint 68574  
vocational funding from the previous fiscal year. 68575

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 68576  
district's joint vocational funding equals the sum of the 68577  
following: 68578

(a) Base-cost funding under division (B) of section 3317.16 68579

of the Revised Code;	68580
(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;	68581 68582 68583
(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;	68584 68585
(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;	68586 68587
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code.	68588 68589
(2) For purposes of calculating transitional aid for fiscal year 2008, a district's fiscal year 2007 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (e) of this section, plus any transitional aid computed for the district under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, as reconciled by the Department. For purposes of calculating transitional aid for fiscal year 2009, a district's fiscal year 2008 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (e) of this section, plus any transitional aid computed for the district under this section, as reconciled by the Department.	68590 68591 68592 68593 68594 68595 68596 68597 68598 68599 68600
(3) The joint vocational funding for each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to (e) and (B)(2) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	68601 68602 68603 68604 68605
<b>Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS</b>	68606
The foregoing appropriation item 200-566, Literacy Improvement-Classroom Grants, shall be disbursed by the Department of Education to provide reading improvement grants to public	68607 68608 68609

schools in city, local, and exempted village school districts; 68610  
community schools; and educational service centers serving 68611  
kindergarten through twelfth grade students to help struggling 68612  
students improve their reading skills, improve reading outcomes in 68613  
low-performing schools, and help close achievement gaps. 68614

VIOLENCE PREVENTION AND SCHOOL SAFETY 68615

Of the foregoing appropriation item 200-578, Violence 68616  
Prevention and School Safety, up to \$224,250 in each fiscal year 68617  
shall be used to fund a safe school center to provide resources 68618  
for parents and for school and law enforcement personnel. 68619

The remainder of the appropriation shall be distributed based 68620  
on guidelines developed by the Department of Education to enhance 68621  
school safety. The guidelines shall provide a list of 68622  
research-based best practices and programs from which local 68623  
grantees shall select based on local needs. These practices shall 68624  
include, but not be limited to, school resource officers and safe 68625  
and drug free school coordinators and social-emotional development 68626  
programs. 68627

**Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION** 68628

The Superintendent of Public Instruction shall not request, 68629  
and the Controlling Board shall not approve, the transfer of funds 68630  
from appropriation item 200-901, Property Tax Allocation - 68631  
Education, to any other appropriation item. 68632

The appropriation item 200-901, Property Tax Allocation - 68633  
Education, is appropriated to pay for the state's costs incurred 68634  
because of the homestead exemption and the property tax rollback. 68635  
In cooperation with the Department of Taxation, the Department of 68636  
Education shall distribute these funds directly to the appropriate 68637  
school districts of the state, notwithstanding sections 321.24 and 68638  
323.156 of the Revised Code, which provide for payment of the 68639

homestead exemption 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.

Appropriation item 200-906, Tangible Tax Exemption - Education, is 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. In cooperation with the Department of Taxation, the Department of Education 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 school districts located in the county, notwithstanding section 321.24 of the Revised Code insofar as it provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 200-901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and 200-906, Tangible Tax Exemption - Education, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for



these purposes, are hereby appropriated. 68672

**Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE 68673**

The foregoing appropriation item 200-681, Teacher 68674  
Certification and Licensure, shall be used by the Department of 68675  
Education in each year of the biennium to administer and support 68676  
teacher certification and licensure activities. 68677

**SCHOOL DISTRICT SOLVENCY ASSISTANCE 68678**

Of the foregoing appropriation item 200-687, School District 68679  
Solvency Assistance, \$9,000,000 in each fiscal year shall be 68680  
allocated to the School District Shared Resource Account and 68681  
\$9,000,000 in each fiscal year shall be allocated to the 68682  
Catastrophic Expenditures Account. These funds shall be used to 68683  
provide assistance and grants to school districts to enable them 68684  
to remain solvent under section 3316.20 of the Revised Code. 68685  
Assistance and grants shall be subject to approval by the 68686  
Controlling Board. Any required reimbursements from school 68687  
districts for solvency assistance shall be made to the appropriate 68688  
account in the School District Solvency Assistance Fund (Fund 68689  
5H3). 68690

Notwithstanding any provision of law to the contrary, upon 68691  
the request of the Superintendent of Public Instruction, the 68692  
Director of Budget and Management may make transfers to the School 68693  
District Solvency Assistance Fund (Fund 5H3) from any Department 68694  
of Education-administered fund or the General Revenue Fund to 68695  
maintain sufficient cash balances in the School District Solvency 68696  
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 68697  
funds transferred are hereby appropriated. The transferred funds 68698  
may be used by the Department of Education to provide assistance 68699  
and grants to school districts to enable them to remain solvent 68700  
and to pay unforeseeable expenses of a temporary or emergency 68701  
nature that the school district is unable to pay from existing 68702

resources. The Director of Budget and Management shall notify the 68703  
members of the Controlling Board of any such transfers. 68704

**Section 269.40.40. READING FIRST** 68705

The foregoing appropriation item 200-632, Reading First, 68706  
shall be used by school districts to administer federal diagnostic 68707  
tests as well as other functions permitted by federal statute. 68708  
Notwithstanding section 3301.079 of the Revised Code, federal 68709  
diagnostic tests may be recognized as meeting the state diagnostic 68710  
testing requirements outlined in section 3301.079 of the Revised 68711  
Code. 68712

**HALF-MILL MAINTENANCE EQUALIZATION** 68713

The foregoing appropriation item 200-626, Half-Mill 68714  
Maintenance Equalization, shall be used to make payments pursuant 68715  
to section 3318.18 of the Revised Code. 68716

**Section 269.40.50. START-UP FUNDS** 68717

Funds appropriated for the purpose of providing start-up 68718  
grants to Title IV-A Head Start and Title IV-A Head Start Plus 68719  
agencies in fiscal year 2004 and fiscal year 2005 for the 68720  
provision of services to children eligible for Title IV-A services 68721  
under the Title IV-A Head Start or Title IV-A Head Start Plus 68722  
programs shall be reimbursed to the General Revenue Fund as 68723  
follows: 68724

(A) If, for fiscal year 2008, an entity that was a Title IV-A 68725  
Head Start or Title IV-A Head Start Plus agency will not be an 68726  
early learning agency or early learning provider, the entity shall 68727  
repay the entire amount of the start-up grant it received in 68728  
fiscal year 2004 and fiscal year 2005 not later than June 30, 68729  
2009, in accordance with a payment schedule agreed to by the 68730  
Department of Education. 68731

(B) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 will be an early learning agency or early learning provider in fiscal year 2008 and fiscal year 2009, the entity shall be allowed to retain any amount of the start-up grant it received.

(C) Within ninety days after the effective date of this section, the Title IV-A Head Start agencies, Title IV-A Head Start Plus agencies, and the Department of Education shall determine the repayment schedule for amounts owed under division (A) of this section. These amounts shall be paid to the state not later than June 30, 2009.

(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, 2009, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code.

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or is no longer funded from Title IV-A or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

**Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT**

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2008 within thirty days

after the effective date of this section, and \$1,500,000 in fiscal 68763  
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 68764  
Unemployment Compensation Fund to the Department of Education's 68765  
Auxiliary Services Reimbursement Fund (Fund 598). 68766

**Section 269.40.70. LOTTERY PROFITS EDUCATION FUND** 68767

Appropriation item 200-612, Foundation Funding (Fund 017), 68768  
shall be used in conjunction with appropriation item 200-550, 68769  
Foundation Funding (GRF), to provide payments to school districts 68770  
under Chapter 3317. of the Revised Code. 68771

The Department of Education, with the approval of the 68772  
Director of Budget and Management, shall determine the monthly 68773  
distribution schedules of appropriation item 200-550, Foundation 68774  
Funding (GRF), and appropriation item 200-612, Foundation Funding 68775  
(Fund 017). If adjustments to the monthly distribution schedule 68776  
are necessary, the Department of Education shall make such 68777  
adjustments with the approval of the Director of Budget and 68778  
Management. 68779

The Director of Budget and Management shall transfer via 68780  
intrastate transfer voucher the amount appropriated under the 68781  
Lottery Profits Education Fund for appropriation item 200-682, 68782  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 68783  
a schedule determined by the director. These funds shall support 68784  
the appropriation item 230-428, Lease Rental Payments (GRF), of 68785  
the School Facilities Commission. 68786

**Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND** 68787

(A) There is hereby created the Lottery Profits Education 68788  
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 68789  
of the Lottery Profits Education Reserve Fund shall be credited to 68790  
the fund. The Superintendent of Public Instruction may certify 68791  
cash balances exceeding \$75,000,000 in the Lottery Profits 68792

Education Reserve Fund (Fund 018) to the Director of Budget and 68793  
Management in June of any given fiscal year. Prior to making the 68794  
certification, the Superintendent of Public Instruction shall 68795  
determine whether the funds above the \$75,000,000 threshold are 68796  
needed to help pay for foundation program obligations for that 68797  
fiscal year under Chapter 3317. of the Revised Code. If those 68798  
funds are needed for the foundation program, the Superintendent of 68799  
Public Instruction shall notify and consult with the Director of 68800  
Budget and Management to determine the amount that may be 68801  
transferred to the Public School Building Fund (Fund 021). Upon 68802  
this determination, the Director of Budget and Management shall 68803  
transfer the amount from the Lottery Profits Education Reserve 68804  
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 68805  
amount transferred is hereby appropriated to appropriation item 68806  
CAP-622, Public School Buildings. 68807

For fiscal years 2008 and 2009, notwithstanding any 68808  
provisions of law to the contrary, amounts necessary to make loans 68809  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 68810  
Revised Code are hereby appropriated to the Lottery Profits 68811  
Education Reserve Fund (Fund 018). Loan repayments from loans made 68812  
in previous years shall be deposited to the fund. 68813

(B) On July 15, 2007, or as soon as possible thereafter, the 68814  
Director of the Ohio Lottery Commission shall certify to the 68815  
Director of Budget and Management the amount by which lottery 68816  
profit transfers received by the Lottery Profits Education Fund 68817  
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 68818  
of Budget and Management shall transfer the amount so certified, 68819  
plus the cash balance in Fund 017, to the General Revenue Fund to 68820  
support appropriation item 200-550, Foundation Funding. 68821

(C) On July 15, 2008, or as soon as possible thereafter, the 68822  
Director of the Ohio Lottery Commission shall certify to the 68823  
Director of the Ohio Lottery Commission shall certify to the 68824

Director of Budget and Management the amount by which lottery 68825  
profit transfers received by the Lottery Profits Education Fund 68826  
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 68827  
of Budget and Management may transfer the amount so certified, 68828  
plus the cash balance in Fund 017, to the Lottery Profits 68829  
Education Reserve Fund (Fund 018) or to the General Revenue Fund 68830  
to support appropriation item 200-550, Foundation Funding. 68831

(D) Any amounts transferred under division (B) or (C) of this 68832  
section may be made available by the Controlling Board in fiscal 68833  
years 2008 or 2009, at the request of the Superintendent of Public 68834  
Instruction, to provide assistance and grants to school districts 68835  
to enable them to remain solvent and to pay unforeseeable expenses 68836  
of a temporary or emergency nature that they are unable to pay 68837  
from existing resources under section 3316.20 of the Revised Code, 68838  
and to provide payments to school districts under Chapter 3317. of 68839  
the Revised Code. 68840

**Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 68841**  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 68842

Notwithstanding any provision of law to the contrary, in 68843  
fiscal year 2008 and fiscal year 2009 the Director of Budget and 68844  
Management may make temporary transfers between the General 68845  
Revenue Fund and the School District Property Tax Replacement - 68846  
Business Fund (Fund 047) in the Department of Education to ensure 68847  
sufficient balances in the School District Property Tax 68848  
Replacement - Business Fund (Fund 047) and to replenish the 68849  
General Revenue Fund for such transfers. 68850

**Section 269.50.10. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 68851**  
BUSINESS 68852

The foregoing appropriation item, 200-909, School District 68853  
Property Tax Replacement - Business, in Fund 047, shall be used by 68854

the Department of Education, in consultation with the Department 68855  
of Taxation, to make payments to school districts and joint 68856  
vocational school districts under section 5751.21 of the Revised 68857  
Code. If it is determined by the Director of Budget and Management 68858  
that additional appropriations are necessary for this purpose, 68859  
such amounts are hereby appropriated. 68860

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 68861

The foregoing appropriation item 200-900, School District 68862  
Property Tax Replacement-Utility, in Fund 053, shall be used by 68863  
the Department of Education, in consultation with the Department 68864  
of Taxation, to make payments to school districts and joint 68865  
vocational school districts under section 5727.85 of the Revised 68866  
Code. 68867

**Section 269.50.30.** EDUCATIONAL SERVICE CENTERS FUNDING 68868

(A) As used in this section: 68869

(1) "Internet- or computer-based community school" has the 68870  
same meaning as in section 3314.02 of the Revised Code. 68871

(2) "Service center ADM" has the same meaning as in section 68872  
3317.11 of the Revised Code. 68873

(B) Notwithstanding division (F) of section 3317.11 of the 68874  
Revised Code, no funds shall be provided under that division to an 68875  
educational service center in either fiscal year for any pupils of 68876  
a city or exempted village school district unless an agreement to 68877  
provide services under section 3313.843 of the Revised Code was 68878  
entered into by January 1, 1997, except that funds shall be 68879  
provided to an educational service center for any pupils of a city 68880  
school district if the agreement to provide services was entered 68881  
into within one year of the date upon which such district changed 68882  
from a local school district to a city school district. 68883

(C) Notwithstanding any provision of the Revised Code to the 68884

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 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 68918  
shall prioritize the distribution of the earmarked funds as 68919  
follows: 68920

(1) The Department shall first distribute to each educational 68921  
service center the per-student amount specified in division (F) of 68922  
section 3317.11 of the Revised Code for each student in its 68923  
service center ADM attributable to the local school districts 68924  
within the service center's territory. 68925

(2) The Department shall distribute the remaining funds in 68926  
each fiscal year to each educational service center for the 68927  
students in its service center ADM attributable to each city and 68928  
exempted village school district that had entered into an 68929  
agreement with an educational service center for that fiscal year 68930  
under section 3313.843 of the Revised Code by January 1, 1997, up 68931  
to the per-student amount specified in division (F) of section 68932  
3317.11 of the Revised Code. If insufficient funds remain to pay 68933  
each service center the full amount specified in division (F) of 68934  
that section for each such student, the Department shall 68935  
distribute the remaining funds to each service center 68936  
proportionally, on a per-student basis for each such student, 68937  
unless that proportional per-student amount exceeds the amount 68938  
specified in division (F)(1) of that section. In that case, the 68939  
Department shall distribute the per-student amount specified in 68940  
division (F)(1) of that section to each service center for each 68941  
such student and shall distribute the remainder proportionally, on 68942  
a per-student basis for each such student, to the multi-county 68943  
service centers described in division (F)(2) of that section. 68944

(3) If the Department has paid each service center under 68945  
divisions (D)(1) and (2) of this section, the full amount 68946  
specified in division (F) of section 3317.11 of the Revised Code 68947  
for each student attributable to its local school districts and 68948  
its client school districts described in division (D)(2) of this 68949

section the Department shall distribute any remaining funds 68950  
proportionally, on a per-student basis, to each service center 68951  
that sponsors a community school, other than an Internet- or 68952  
computer-based community school, for the students included in the 68953  
service center ADM under division (C) of this section. These 68954  
payments shall not exceed per student the amount specified in 68955  
division (F) of section 3317.11 of the Revised Code. 68956

**\*Section 269.50.40.** For the school year commencing July 1, 68957  
2007, or the school year commencing July 1, 2008, or both, the 68958  
Superintendent of Public Instruction may waive for the board of 68959  
education of any school district the ratio of teachers to pupils 68960  
in kindergarten through fourth grade required under paragraph 68961  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 68962  
following conditions apply: 68963

(A) The board of education requests the waiver. 68964

(B) After the Department of Education conducts an on-site 68965  
evaluation of the district related to meeting the required ratio, 68966  
the board of education demonstrates to the satisfaction of the 68967  
Superintendent of Public Instruction that providing the facilities 68968  
necessary to meet the required ratio during the district's regular 68969  
school hours with pupils in attendance would impose an extreme 68970  
hardship on the district. 68971

(C) The board of education provides assurances that are 68972  
satisfactory to the Superintendent of Public Instruction that the 68973  
board will act in good faith to meet the required ratio as soon as 68974  
possible. 68975

**Section 269.50.50.** PRIVATE TREATMENT FACILITY PROJECT 68976

(A) As used in this section: 68977

(1) The following are "participating residential treatment 68978  
centers": 68979

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2008 or fiscal year 2009 or both, the Department pays through appropriation item 470-401, Care and Custody;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) Act One, in Akron;

(e) Friars Club, in Cincinnati.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The

educational program shall be provided by a school district or 69010  
educational service center, or by the residential facility itself. 69011  
Maximum flexibility shall be given to the residential treatment 69012  
facility to determine the provider. In the event that a voluntary 69013  
agreement cannot be reached and the residential facility does not 69014  
choose to provide the educational program, the educational service 69015  
center in the county in which the facility is located shall 69016  
provide the educational program at the treatment center to 69017  
children under twenty-two years of age residing in the treatment 69018  
center. 69019

(C) Any school district responsible for tuition for a 69020  
residential child shall, notwithstanding any conflicting provision 69021  
of the Revised Code regarding tuition payment, pay tuition for the 69022  
child for fiscal year 2008 and fiscal year 2009 to the education 69023  
program provider and in the amount specified in this division. If 69024  
there is no school district responsible for tuition for a 69025  
residential child and if the participating residential treatment 69026  
center to which the child is assigned is located in the city, 69027  
exempted village, or local school district that, if the child were 69028  
not a resident of that treatment center, would be the school 69029  
district where the child is entitled to attend school under 69030  
sections 3313.64 and 3313.65 of the Revised Code, that school 69031  
district, notwithstanding any conflicting provision of the Revised 69032  
Code, shall pay tuition for the child for fiscal year 2008 and 69033  
fiscal year 2009 under this division unless that school district 69034  
is providing the educational program to the child under division 69035  
(B) of this section. 69036

A tuition payment under this division shall be made to the 69037  
school district, educational service center, or residential 69038  
treatment facility providing the educational program to the child. 69039

The amount of tuition paid shall be: 69040

(1) The amount of tuition determined for the district under 69041

division (A) of section 3317.08 of the Revised Code; 69042

(2) In addition, for any student receiving special education 69043  
pursuant to an individualized education program as defined in 69044  
section 3323.01 of the Revised Code, a payment for excess costs. 69045  
This payment shall equal the actual cost to the school district, 69046  
educational service center, or residential treatment facility of 69047  
providing special education and related services to the student 69048  
pursuant to the student's individualized education program, minus 69049  
the tuition paid for the child under division (C)(1) of this 69050  
section. 69051

A school district paying tuition under this division shall 69052  
not include the child for whom tuition is paid in the district's 69053  
average daily membership certified under division (A) of section 69054  
3317.03 of the Revised Code. 69055

(D) In each of fiscal years 2008 and 2009, the Department of 69056  
Education shall reimburse, from appropriations made for the 69057  
purpose, a school district, educational service center, or 69058  
residential treatment facility, whichever is providing the 69059  
service, that has demonstrated that it is in compliance with the 69060  
funding criteria for each served child for whom a school district 69061  
must pay tuition under division (C) of this section. The amount of 69062  
the reimbursement shall be the formula amount specified in section 69063  
3317.022 of the Revised Code, except that the department shall 69064  
proportionately reduce this reimbursement if sufficient funds are 69065  
not available to pay this amount to all qualified providers. 69066

(E) Funds provided to a school district, educational service 69067  
center, or residential treatment facility under this section shall 69068  
be used to supplement, not supplant, funds from other public 69069  
sources for which the school district, service center, or 69070  
residential treatment facility is entitled or eligible. 69071

(F) The Department of Education shall track the utilization 69072

of funds provided to school districts, educational service 69073  
centers, and residential treatment facilities under this section 69074  
and monitor the effect of the funding on the educational programs 69075  
they provide in participating residential treatment facilities. 69076  
The department shall monitor the programs for educational 69077  
accountability. 69078

**Section 269.50.60.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 69079  
ASSESSMENT OF EDUCATION PROGRESS 69080

The General Assembly intends for the Superintendent of Public 69081  
Instruction to provide for school district participation in the 69082  
administration of the National Assessment of Education Progress in 69083  
accordance with section 3301.27 of the Revised Code. Each school 69084  
and school district selected for participation by the 69085  
Superintendent of Public Instruction shall participate. 69086

**Section 269.50.70.** DEPARTMENT OF EDUCATION APPROPRIATION 69087  
TRANSFERS FOR STUDENT ASSESSMENT 69088

In fiscal year 2008 and fiscal year 2009, if the 69089  
Superintendent of Public Instruction determines that additional 69090  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 69091  
of the 125th General Assembly and this act for assessments of 69092  
student performance, the Superintendent of Public Instruction may 69093  
recommend the reallocation of unspent and unencumbered 69094  
appropriations within the Department of Education to the General 69095  
Revenue Fund appropriation item 200-437, Student Assessment, to 69096  
the Director of Budget and Management. If the Director of Budget 69097  
and Management determines that such a reallocation is required, 69098  
the Director of Budget and Management may transfer unspent and 69099  
unencumbered funds within the Department of Education as necessary 69100  
to appropriation item 200-437, Student Assessment. If these 69101  
unspent and unencumbered funds are not sufficient to fully fund 69102

the assessment requirements in fiscal year 2008 or fiscal year 2009, the Superintendent of Public Instruction may request that the Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 018) to the General Revenue Fund and appropriate these transferred funds to appropriation item 200-437, Student Assessment.

**Section 269.50.80.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2008 and 2009 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any payments made under section 3314.08 of the Revised Code, in each of fiscal years 2008 and 2009, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school

under this section shall not be deducted from the school district 69133  
in which any of the students enrolled in the community school are 69134  
entitled to attend school under section 3313.64 or 3313.65 of the 69135  
Revised Code. The amount of any subsidy paid to a community school 69136  
under this section shall be paid from funds appropriated to the 69137  
Department of Education in appropriation item 200-550, Foundation 69138  
Funding. 69139

**Section 269.50.90. EARMARK ACCOUNTABILITY** 69140

At the request of the Superintendent of Public Instruction, 69141  
any entity that receives a budget earmark under the Department of 69142  
Education shall submit annually to the chairpersons of the 69143  
committees of the House of Representatives and the Senate 69144  
primarily concerned with education and to the Department of 69145  
Education a report that includes a description of the services 69146  
supported by the funds, a description of the results achieved by 69147  
those services, an analysis of the effectiveness of the program, 69148  
and an opinion as to the program's applicability to other school 69149  
districts. For an earmarked entity that received state funds from 69150  
an earmark in the prior fiscal year, no funds shall be provided by 69151  
the Department of Education to an earmarked entity for a fiscal 69152  
year until its report for the prior fiscal year has been 69153  
submitted. 69154

**Section 269.60.10.** No community school established under 69155  
Chapter 3314. of the Revised Code that was not open for operation 69156  
as of May 1, 2005, shall operate from a home, as defined in 69157  
section 3313.64 of the Revised Code. 69158

**Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO** 69159  
**BOARD OF REGENTS** 69160

The Board of Regents shall work collaboratively with the 69161  
Department of Education to identify adult career-technical 69162



education programs that shall be transferred to the Board of 69163  
Regents. The Chancellor of the Board of Regents shall work in 69164  
consultation with the Department and the various identified 69165  
programs to develop a plan by July 1, 2008, for the transfer that 69166  
benefits adult learners by preserving points of access, increasing 69167  
opportunities, maintaining affordability, and creating a system of 69168  
uniform quality with the ability to earn credit. The transfer 69169  
shall be completed by January 1, 2009. The purpose of this 69170  
programmatic transfer is to better align and maximize the strength 69171  
and flexibility of the full array of Ohio adult workforce 69172  
education assets to improve the overall quality of adult education 69173  
and training program course and training offerings in order to 69174  
increase the skills and improve the employment prospects of 69175  
adults. 69176

On or after January 1, 2009, notwithstanding any provision of 69177  
law to the contrary, the Director of Budget and Management may 69178  
take the actions described in this section made necessary by the 69179  
movement of adult career-technical education programs from the 69180  
Department of Education to the Board of Regents. These actions may 69181  
include budget changes made necessary by administrative 69182  
reorganization, program transfers, the creation of new funds, the 69183  
creation of new appropriation items, and the consolidation of 69184  
funds. The Director may transfer cash balances between funds as 69185  
needed. At the request of the Director, the Superintendent of 69186  
Public Instruction shall certify to the Director an estimate of 69187  
the amount of the cash balance to be transferred to the receiving 69188  
fund. The Director may transfer the estimated amount to the Board 69189  
of Regents when needed to make payments. Not more than thirty days 69190  
after certifying the estimated amount, the Superintendent of 69191  
Public Instruction shall certify the final amount to the Director. 69192  
The Director then shall transfer the difference between any amount 69193  
previously transferred and the certified final amount. The 69194  
Director may cancel encumbrances and re-establish encumbrances or 69195

parts of encumbrances as needed in the appropriate fund and 69196  
appropriation item for the same purpose and to the same vendor. 69197  
The funds necessary to re-establish those encumbrances in a 69198  
different fund or appropriation item within or between the Board 69199  
of Regents and the Department of Education are hereby 69200  
appropriated. The Director shall reduce each year's appropriation 69201  
balances by the amount of the encumbrances canceled in their 69202  
respective funds and appropriation items. Any fiscal year 2008 69203  
unencumbered or unallocated appropriation balances may be 69204  
transferred to the appropriate item to be used for the same 69205  
purposes, as determined by the Director. 69206

**Section 269.60.33.** The State Board of Education shall 69207  
initiate rulemaking procedures for the rules for the Special 69208  
Education Scholarship Pilot Program, required under section 69209  
3310.63 of the Revised Code, as enacted by this act, so that those 69210  
rules are in effect by January 31, 2008. 69211

**Section 269.60.36.** The Department of Education shall conduct 69212  
a formative evaluation of the Special Education Scholarship Pilot 69213  
Program established under sections 3310.51 to 3310.63 of the 69214  
Revised Code, using both quantitative and qualitative analyses, 69215  
and shall report its findings to the General Assembly not later 69216  
than December 31, 2010. In conducting the evaluation, the 69217  
Department shall to the extent possible gather comments from 69218  
parents who have been awarded scholarships under the program, 69219  
school district officials, representatives of registered private 69220  
providers, educators, and representatives of educational 69221  
organizations for inclusion in the report required under this 69222  
section. 69223

**Section 269.60.60.** UNAUDITABLE COMMUNITY SCHOOL 69224

(A) If the Auditor of State or a public accountant, pursuant 69225

to section 117.41 of the Revised Code, declares a community school 69226  
established under Chapter 3314. of the Revised Code to be 69227  
unauditable, the Auditor of State shall provide written 69228  
notification of that declaration to the school, the school's 69229  
sponsor, and the Department of Education. The Auditor of State 69230  
also shall post the notification on the Auditor of State's web 69231  
site. 69232

(B) Notwithstanding any provision to the contrary in Chapter 69233  
3314. of the Revised Code or any other provision of law, a sponsor 69234  
of a community school that is notified by the Auditor of State 69235  
under division (A) of this section that a community school it 69236  
sponsors is unauditabile shall not enter into contracts with any 69237  
additional community schools under section 3314.03 of the Revised 69238  
Code until the Auditor of State or a public accountant has 69239  
completed a financial audit of that school. 69240

(C) Not later than forty-five days after receiving 69241  
notification by the Auditor of State under division (A) of this 69242  
section that a community school is unauditabile, the sponsor of the 69243  
school shall provide a written response to the Auditor of State. 69244  
The response shall include the following: 69245

(1) An overview of the process the sponsor will use to review 69246  
and understand the circumstances that led to the community school 69247  
becoming unauditabile; 69248

(2) A plan for providing the Auditor of State with the 69249  
documentation necessary to complete an audit of the community 69250  
school and for ensuring that all financial documents are available 69251  
in the future; 69252

(3) The actions the sponsor will take to ensure that the plan 69253  
described in division (C)(2) of this section is implemented. 69254

(D) If a community school fails to make reasonable efforts 69255  
and continuing progress to bring its accounts, records, files, or 69256

reports into an auditable condition within ninety days after being 69257  
declared unauditale, the Auditor of State, in addition to 69258  
requesting legal action under sections 117.41 and 117.42 of the 69259  
Revised Code, shall notify the Department of the school's failure. 69260  
If the Auditor of State or a public accountant subsequently is 69261  
able to complete a financial audit of the school, the Auditor of 69262  
State shall notify the Department that the audit has been 69263  
completed. 69264

(E) Notwithstanding any provision to the contrary in Chapter 69265  
3314. of the Revised Code or any other provision of law, upon 69266  
notification by the Auditor of State under division (D) of this 69267  
section that a community school has failed to make reasonable 69268  
efforts and continuing progress to bring its accounts, records, 69269  
files, or reports into an auditable condition following a 69270  
declaration that the school is unauditale, the Department shall 69271  
immediately cease all payments to the school under Chapter 3314. 69272  
of the Revised Code and any other provision of law. Upon 69273  
subsequent notification from the Auditor of State under that 69274  
division that the Auditor of State or a public accountant was able 69275  
to complete a financial audit of the community school, the 69276  
Department shall release all funds withheld from the school under 69277  
this section. 69278

**Section 269.60.70.** Notwithstanding division (B) of section 69279  
3317.01 of the Revised Code, no joint vocational school district 69280  
shall be denied state payments for fiscal year 2008 because the 69281  
school district's career center was open for instruction during 69282  
fiscal year 2007 for fewer days than required by sections 3313.48, 69283  
3313.481, and 3317.01 of the Revised Code, if the number of days 69284  
the career center was closed in the 2006-2007 school year in 69285  
excess of the number of days it is permitted to be closed for a 69286  
public calamity under division (B) of section 3317.01 of the 69287  
Revised Code does not exceed the number of days in May 2007 in 69288

which the district closed the career center due to fire damage and 69289  
cancelled instruction to prepare alternate facilities for 69290  
instruction. 69291

**Section 269.60.80.** Not later than October 31, 2007, each 69292  
school district, community school established under Chapter 3314. 69293  
of the Revised Code, and chartered nonpublic school shall report 69294  
to the Department of Education, in a manner prescribed by the 69295  
Department, the number of minutes per week and the number of 69296  
classes per week of physical education provided to students in 69297  
each of grades kindergarten through eight in the 2006-2007 school 69298  
year and scheduled to be provided to students in each of those 69299  
grades in the 2007-2008 school year. 69300

**Section 269.60.90.** If a school district erroneously reported 69301  
data to the Education Management Information System established 69302  
under section 3301.0714 of the Revised Code that showed a zero per 69303  
cent graduation rate for the 2005-2006 school year for the 69304  
district or any building in the district and the district notified 69305  
the Department of Education of the error not later than June 30, 69306  
2007, the Department shall allow the district to report a 69307  
corrected graduation rate for that school year and shall include 69308  
the corrected graduation rate on the August 2007 report card 69309  
issued for the district and any affected building under section 69310  
3302.03 of the Revised Code. 69311

**Section 269.70.10.** (A) Notwithstanding section 3313.41 of the 69312  
Revised Code, a school district board of education may sell real 69313  
property that it owns in its corporate capacity directly to a 69314  
community action agency that operates an early childhood education 69315  
program within the territory of the school district, in lieu of 69316  
offering the property for sale at public auction as provided in 69317  
division (A) of that section, in lieu of offering the property for 69318

sale to an entity listed in division (C) of that section, or in lieu of offering the property for sale to a community school as provided in division (G) of that section, as long as all of the following conditions are satisfied:

(1) The district is a "local" school district as described in section 3311.03 of the Revised Code.

(2) The district is a countywide school district in that the district comprises most of the territory of one county and most of the district's territory lies in one county.

(3) The district is abandoning the property because it is acquiring new facilities through one or more state-assisted classroom facilities programs under Chapter 3318. of the Revised Code.

(4) The property is suitable for use by the community action agency for its early childhood education program and for other operations of the agency.

(5) The sale is completed on or before February 29, 2008.

(B) As used in this section, "community action agency" has the same meaning as in section 122.66 of the Revised Code.

**Section 271.10. ELC OHIO ELECTIONS COMMISSION**

General Revenue Fund

GRF 051-321 Operating Expenses	\$	411,623	\$	423,975	69340
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TOTAL GRF General Revenue Fund	\$	411,623	\$	423,975	69341
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General Services Fund Group

4P2 051-601 Ohio Elections					69343
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Commission Fund	\$	255,000	\$	255,000	69344
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TOTAL GSF General Services Fund	\$	255,000	\$	255,000	69345
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	666,623	\$	678,975	69346
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Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL				69348
DIRECTORS				69349
General Services Fund Group				69350
4K9 881-609 Operating Expenses	\$	628,641	\$ 646,602	69351
TOTAL GSF General Services				69352
Fund Group	\$	628,641	\$ 646,602	69353
TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$ 646,602	69354
Section 275.10. PAY EMPLOYEE BENEFITS FUNDS				69356
Accrued Leave Liability Fund Group				69357
806 995-666 Accrued Leave Fund	\$	69,584,560	\$ 76,038,787	69358
807 995-667 Disability Fund	\$	40,104,713	\$ 39,309,838	69359
TOTAL ALF Accrued Leave Liability				69360
Fund Group	\$	109,689,273	\$ 115,348,625	69361
Agency Fund Group				69362
124 995-673 Payroll Deductions	\$	2,125,000,000	\$ 2,175,000,000	69363
808 995-668 State Employee Health	\$	499,240,000	\$ 550,922,742	69364
Benefit Fund				
809 995-669 Dependent Care	\$	2,969,635	\$ 2,969,635	69365
Spending Account				
810 995-670 Life Insurance	\$	2,113,589	\$ 2,229,834	69366
Investment Fund				
811 995-671 Parental Leave Benefit	\$	3,994,806	\$ 4,234,495	69367
Fund				
813 995-672 Health Care Spending	\$	12,000,000	\$ 12,000,000	69368
Account				
TOTAL AGY Agency Fund Group	\$	2,645,318,030	\$ 2,747,356,706	69369
TOTAL ALL BUDGET FUND GROUPS	\$	2,755,007,303	\$ 2,862,705,331	69370
ACCRUED LEAVE LIABILITY FUND				69371
The foregoing appropriation item 995-666, Accrued Leave Fund,				69372
shall be used to make payments from the Accrued Leave Liability				69373

Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 69374  
If it is determined by the Director of Budget and Management that 69375  
additional amounts are necessary, the amounts are appropriated. 69376

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 69377

The foregoing appropriation item 995-667, Disability Fund, 69378  
shall be used to make payments from the State Employee Disability 69379  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 69380  
Revised Code. If it is determined by the Director of Budget and 69381  
Management that additional amounts are necessary, the amounts are 69382  
appropriated. 69383

PAYROLL WITHHOLDING FUND 69384

The foregoing appropriation item 995-673, Payroll Deductions, 69385  
shall be used to make payments from the Payroll Withholding Fund 69386  
(Fund 124). If it is determined by the Director of Budget and 69387  
Management that additional appropriation amounts are necessary, 69388  
such amounts are hereby appropriated. 69389

STATE EMPLOYEE HEALTH BENEFIT FUND 69390

The foregoing appropriation item 995-668, State Employee 69391  
Health Benefit Fund, shall be used to make payments from the State 69392  
Employee Health Benefit Fund (Fund 808), pursuant to section 69393  
124.87 of the Revised Code. If it is determined by the Director of 69394  
Budget and Management that additional amounts are necessary, the 69395  
amounts are appropriated. 69396

DEPENDENT CARE SPENDING ACCOUNT 69397

The foregoing appropriation item 995-669, Dependent Care 69398  
Spending Account, shall be used to make payments from the 69399  
Dependent Care Spending Account (Fund 809) to employees eligible 69400  
for dependent care expenses. If it is determined by the Director 69401  
of Budget and Management that additional amounts are necessary, 69402  
the amounts are appropriated. 69403



LIFE INSURANCE INVESTMENT FUND 69404

The foregoing appropriation item 995-670, Life Insurance 69405  
Investment Fund, shall be used to make payments from the Life 69406  
Insurance Investment Fund (Fund 810) for the costs and expenses of 69407  
the state's life insurance benefit program pursuant to section 69408  
125.212 of the Revised Code. If it is determined by the Director 69409  
of Budget and Management that additional amounts are necessary, 69410  
the amounts are appropriated. 69411

PARENTAL LEAVE BENEFIT FUND 69412

The foregoing appropriation item 995-671, Parental Leave 69413  
Benefit Fund, shall be used to make payments from the Parental 69414  
Leave Benefit Fund (Fund 811) to employees eligible for parental 69415  
leave benefits pursuant to section 124.137 of the Revised Code. If 69416  
it is determined by the Director of Budget and Management that 69417  
additional amounts are necessary, the amounts are appropriated. 69418

HEALTH CARE SPENDING ACCOUNT 69419

There is hereby established in the State Treasury the Health 69420  
Care Spending Account Fund (Fund 813). The foregoing appropriation 69421  
item 995-672, Health Care Spending Account, shall be used to make 69422  
payments from the fund. The fund shall be under the supervision of 69423  
the Department of Administrative Services and shall be used to 69424  
make payments pursuant to state employees' participation in a 69425  
flexible spending account for non-reimbursed health care expenses 69426  
and pursuant to Section 125 of the Internal Revenue Code. All 69427  
income derived from the investment of the fund shall accrue to the 69428  
fund. If it is determined by the Director of Administrative 69429  
Services that additional appropriation amounts are necessary, the 69430  
Director of Administrative Services may request that the Director 69431  
of Budget and Management increase such amounts. Such amounts are 69432  
hereby appropriated. 69433

At the request of the Director of Administrative Services, 69434

the Director of Budget and Management shall transfer up to 69435  
 \$145,000 from the General Revenue Fund to the Health Care Spending 69436  
 Account Fund during fiscal years 2008 and 2009. This cash shall be 69437  
 transferred as needed to provide adequate cash flow for the Health 69438  
 Care Spending Account Fund during fiscal year 2008 and fiscal year 69439  
 2009. If funds are available at the end of fiscal years 2008 and 69440  
 2009, the Director of Budget and Management shall transfer cash up 69441  
 to the amount previously transferred in the respective year, plus 69442  
 interest income, back from the Health Care Spending Account (Fund 69443  
 813) to the General Revenue Fund. 69444

**Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD** 69445

General Revenue Fund 69446  
 GRF 125-321 Operating Expenses \$ 3,218,803 \$ 3,355,602 69447  
 TOTAL GRF General Revenue Fund \$ 3,218,803 \$ 3,355,602 69448  
 General Services Fund Group 69449  
 572 125-603 Training and \$ 75,541 \$ 75,541 69450  
 Publications  
 TOTAL GSF General Services 69451  
 Fund Group \$ 75,541 \$ 75,541 69452  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,294,344 \$ 3,431,143 69453

**Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 69455

General Services Fund Group 69456  
 4K9 892-609 Operating Expenses \$ 1,058,881 \$ 1,058,881 69457  
 TOTAL GSF General Services 69458  
 Fund Group \$ 1,058,881 \$ 1,058,881 69459  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 69460

**Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 69462

General Services Fund Group 69463  
 199 715-602 Laboratory Services \$ 1,158,574 \$ 1,173,574 69464

219	715-604	Central Support	\$	16,474,276	\$	17,000,962	69465
		Indirect					
4A1	715-640	Operating Expenses	\$	3,369,731	\$	3,369,731	69466
TOTAL GSF General Services							69467
Fund Group			\$	21,002,581	\$	21,544,267	69468
Federal Special Revenue Fund Group							69469
3BU	715-684	Water Quality	\$	6,515,000	\$	6,310,000	69470
		Protection					
3F2	715-630	Revolving Loan Fund -	\$	563,536	\$	775,600	69471
		Operating					
3F3	715-632	Federally Supported	\$	2,550,000	\$	2,550,000	69472
		Cleanup and Response					
3F5	715-641	Nonpoint Source	\$	7,550,000	\$	7,595,000	69473
		Pollution Management					
3K4	715-634	DOD Monitoring and	\$	858,250	\$	898,825	69474
		Oversight					
3N4	715-657	DOE Monitoring and	\$	1,071,678	\$	1,110,270	69475
		Oversight					
3T3	715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	69476
3V7	715-606	Agencywide Grants	\$	500,000	\$	500,000	69477
353	715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	69478
354	715-614	Hazardous Waste	\$	4,203,891	\$	4,203,891	69479
		Management - Federal					
357	715-619	Air Pollution Control	\$	6,823,949	\$	6,823,950	69480
		- Federal					
362	715-605	Underground Injection	\$	111,874	\$	111,874	69481
		Control - Federal					
TOTAL FED Federal Special Revenue							69482
Fund Group			\$	36,980,720	\$	37,246,026	69483
State Special Revenue Fund Group							69484
4J0	715-638	Underground Injection	\$	458,418	\$	458,418	69485
		Control					

4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	69486
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	69487
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	69488
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	69489
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	69490
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	69491
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	69492
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	69493
4U7	715-660	Construction & Demolition Debris	\$	881,561	\$	881,561	69494
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646	69495
5BC	715-622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	69496
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413	69497
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741	69498
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290	69499
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250	69500
5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847	69501
5BC	715-676	Assistance and Prevention	\$	700,302	\$	700,302	69502
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333	69503
5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775	69504
5BT	715-679	C&DD Groundwater Monitoring	\$	571,560	\$	693,267	69505
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814	69506
5CD	715-682	Clean Diesel School Buses	\$	600,000	\$	600,000	69507
5DW	715-683	Automotive Mercury	\$	60,000	\$	60,000	69508

Switch Program					
5H4	715-664	Groundwater Support	\$	2,503,933	\$ 2,715,340 69509
5N2	715-613	Dredge and Fill	\$	30,000	\$ 30,000 69510
500	715-608	Immediate Removal	\$	557,257	\$ 573,903 69511
Special Account					
503	715-621	Hazardous Waste	\$	11,711,473	\$ 12,200,240 69512
Facility Management					
505	715-623	Hazardous Waste	\$	13,333,179	\$ 14,147,498 69513
Cleanup					
505	715-674	Clean Ohio	\$	109,725	\$ 109,725 69514
Environmental Review					
541	715-670	Site Specific Cleanup	\$	34,650	\$ 34,650 69515
542	715-671	Risk Management	\$	146,188	\$ 146,188 69516
Reporting					
592	715-627	Anti Tampering	\$	9,707	\$ 9,707 69517
Settlement					
6A1	715-645	Environmental	\$	1,500,000	\$ 1,500,000 69518
Education					
602	715-626	Motor Vehicle	\$	157,697	\$ 128,876 69519
Inspection and Maintenance					
644	715-631	ER Radiological Safety	\$	286,114	\$ 286,114 69520
660	715-629	Infectious Waste	\$	100,000	\$ 100,000 69521
Management					
676	715-642	Water Pollution	\$	4,964,625	\$ 4,964,625 69522
Control Loan Administration					
678	715-635	Air Toxic Release	\$	210,622	\$ 210,622 69523
679	715-636	Emergency Planning	\$	2,628,647	\$ 2,628,647 69524
696	715-643	Air Pollution Control	\$	750,000	\$ 750,000 69525
Administration					
699	715-644	Water Pollution	\$	750,000	\$ 750,000 69526
Control Administration					

TOTAL SSR State Special Revenue	\$	144,362,570	\$	148,690,706	69527
Fund Group					
Clean Ohio Conservation Fund Group					69528
5S1 715-607 Clean Ohio - Operating	\$	208,174	\$	208,174	69529
TOTAL CLF Clean Ohio Conservation	\$	208,174	\$	208,174	69530
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	202,554,045	\$	207,689,173	69531

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 69532

On July 1, 2007, or as soon as possible thereafter, if the 69533  
Governor issues an executive order under division (A) of section 69534  
3704.14 of the Revised Code, the Director of Budget and Management 69535  
shall transfer \$14,817,105 for use in fiscal year 2008 from the 69536  
General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY). 69537  
On July 1, 2008, or as soon as possible thereafter, if the 69538  
Governor issues a subsequent executive order under division (A) of 69539  
section 3704.14 of the Revised Code, the Director of Budget and 69540  
Management shall transfer \$15,057,814 for use in fiscal year 2009 69541  
from the General Revenue Fund to the Auto Emissions Test Fund 69542  
(Fund 5BY). 69543

The Ohio Environmental Protection Agency (EPA) shall use the 69544  
foregoing appropriation item 715-681, Auto Emissions Test, in the 69545  
Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio 69546  
EPA's costs for oversight, of the auto emissions testing program. 69547  
For purposes of continuing testing beyond December 31, 2007, the 69548  
Governor, annually and by executive order, may extend an existing 69549  
contract with the contractor who is implementing the testing 69550  
program pursuant to section 3704.14 of the Revised Code for a 69551  
period of one year. 69552

The funds identified in this section shall not be used (1) to 69553  
pay for the testing costs of any dealers to provide certificates 69554  
for vehicles being purchased by individuals who reside in areas 69555  
where the E-Check program is operated or (2) to pay for more than 69556

one passing or three total free tests for any vehicle in a 69557  
three-hundred-sixty-five-day period. When state funds may not be 69558  
used to pay for testing costs, the cost of testing and retesting 69559  
paid by an individual or a business for any vehicle shall cover 69560  
the cost of the test. Testing and other fees charged by the 69561  
contractor shall be submitted to and approved by the Director of 69562  
Environmental Protection. 69563

WATER QUALITY PROTECTION FUND 69564

On July 1, 2007, or as soon thereafter as possible, the 69565  
Director of Environmental Protection shall certify to the Director 69566  
of Budget and Management the cash balance in Fund 3F4, Water 69567  
Quality Management. The Director of Budget and Management shall 69568  
transfer the amount certified from Fund 3F4 to Fund 3BU, Water 69569  
Quality Protection. Any existing encumbrances in appropriation 69570  
item 715-633, Water Quality Management (Fund 3F4), shall be 69571  
cancelled and re-established against appropriation item 715-684, 69572  
Water Quality Protection (Fund 3BU). The amounts of the 69573  
re-established encumbrances are hereby appropriated, and Fund 3F4 69574  
is abolished. 69575

On July 1, 2007, or as soon thereafter as possible, the 69576  
Director of Environmental Protection shall certify to the Director 69577  
of Budget and Management the cash balance in Fund 3J1, Urban 69578  
Stormwater. The Director of Budget and Management shall transfer 69579  
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 69580  
Protection. Any existing encumbrances in appropriation item 69581  
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 69582  
re-established against appropriation item 715-684, Water Quality 69583  
Protection (Fund 3BU). The amounts of the re-established 69584  
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 69585

On July 1, 2007, or as soon thereafter as possible, the 69586  
Director of Environmental Protection shall certify to the Director 69587  
of Budget and Management the cash balance in Fund 3J5, Maumee 69588

River. The Director of Budget and Management shall transfer the 69589  
amount certified from Fund 3J5 to Fund 3BU, Water Quality 69590  
Protection. Any existing encumbrances in appropriation item 69591  
715-615, Maumee River (Fund 3J5), shall be cancelled and 69592  
re-established against appropriation item 715-684, Water Quality 69593  
Protection (Fund 3BU). The amounts of the re-established 69594  
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 69595

On July 1, 2007, or as soon thereafter as possible, the 69596  
Director of Environmental Protection shall certify to the Director 69597  
of Budget and Management the cash balance in Fund 3K2, Clean Water 69598  
Act 106 (Fund 3K2). The Director of Budget and Management shall 69599  
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 69600  
Quality Protection. Any existing encumbrances in appropriation 69601  
item 715-628, Clean Water Act 106, shall be cancelled and 69602  
re-established against appropriation item 715-684, Water Quality 69603  
Protection (Fund 3BU). The amounts of the re-established 69604  
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 69605

On July 1, 2007, or as soon thereafter as possible, the 69606  
Director of Environmental Protection shall certify to the Director 69607  
of Budget and Management the cash balance in Fund 3K6, Remedial 69608  
Action Plan. The Director of Budget and Management shall transfer 69609  
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 69610  
Protection. Any existing encumbrances in appropriation item 69611  
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 69612  
re-established against appropriation item 715-684, Water Quality 69613  
Protection (Fund 3BU). The amounts of the re-established 69614  
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 69615

On July 1, 2007, or as soon thereafter as possible, the 69616  
Director of Environmental Protection shall certify to the Director 69617  
of Budget and Management the cash balance in Fund 352, Wastewater 69618  
Pollution. The Director of Budget and Management shall transfer 69619  
the amount certified from Fund 352 to Fund 3BU, Water Quality 69620



Protection. Any existing encumbrances in appropriation item 69621  
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 69622  
re-established against appropriation item 715-684, Water Quality 69623  
Protection (Fund 3BU). The amounts of the re-established 69624  
encumbrances are hereby appropriated, and Fund 352 is abolished. 69625

On July 1, 2007, or as soon thereafter as possible, the 69626  
Director of Environmental Protection shall certify to the Director 69627  
of Budget and Management the cash balance in Fund 358, 205-J 69628  
Federal Planning. The Director of Budget and Management shall 69629  
transfer the amount certified from Fund 358 to Fund 3BU, Water 69630  
Quality Protection. Any existing encumbrances in appropriation 69631  
item 715-625, 205-J Federal Planning (Fund 358), shall be 69632  
cancelled and re-established against appropriation item 715-684, 69633  
Water Quality Protection (Fund 3BU). The amounts of the 69634  
re-established encumbrances are hereby appropriated, and Fund 358 69635  
is abolished. 69636

AREAWIDE PLANNING AGENCIES 69637

The Director of the Environmental Protection Agency shall use 69638  
the foregoing appropriation item 715-624, Surface Water, to 69639  
contract with areawide planning agencies in an amount not to 69640  
exceed \$75,000 per agency per fiscal year for areawide water 69641  
quality management and planning activities in accordance with 69642  
Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 69643

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 69644

Upon the request of the Director of Environmental Protection, 69645  
the Director of Budget and Management shall transfer up to \$60,000 69646  
in cash from the Environmental Protection Fund (Fund 5BC) to the 69647  
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 69648  
the fiscal years 2008-2009 biennium. 69649

**Section 283.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 69650

General Revenue Fund				69651
GRF 172-321 Operating Expenses	\$	483,859	\$ 487,000	69652
TOTAL GRF General Revenue Fund	\$	483,859	\$ 487,000	69653
TOTAL ALL BUDGET FUND GROUPS	\$	483,859	\$ 487,000	69654
 <b>Section 285.10. ETC ETECH OHIO</b>				69656
General Revenue Fund				69657
GRF 935-321 Operations	\$	6,830,918	\$ 6,830,921	69658
GRF 935-401 Statehouse News Bureau	\$	244,400	\$ 244,400	69659
GRF 935-402 Ohio Government	\$	716,417	\$ 716,417	69660
Telecommunications Services				
GRF 935-403 Technical Operations	\$	3,633,390	\$ 3,633,389	69661
GRF 935-404 Telecommunications	\$	3,632,413	\$ 3,632,413	69662
Operating Subsidy				
GRF 935-406 Technical and Instructional Professional Development	\$	7,285,351	\$ 7,272,351	69663
GRF 935-539 Educational Technology	\$	4,139,551	\$ 4,139,551	69664
TOTAL GRF General Revenue Fund	\$	26,482,440	\$ 26,469,442	69665
General Services Fund Group				69666
4F3 935-603 Affiliate Services	\$	1,000,000	\$ 1,000,000	69667
4T2 935-605 Government	\$	25,000	\$ 25,000	69668
Television/Telecommunications Operating				
5D4 935-640 Conference/Special Purposes	\$	1,821,817	\$ 1,821,817	69669
TOTAL GSF General Services Fund Group	\$	2,846,817	\$ 2,846,817	69670
Federal Special Revenue Fund Group				69671
3S3 935-606 Enhancing Education	\$	589,363	\$ 589,363	69672

Technology

TOTAL FED Federal Special Revenue	\$	589,363	\$	589,363	69673
Fund Group					
State Special Revenue Fund Group					69674
4W9 935-630 Telecommunity	\$	25,000	\$	25,000	69675
4X1 935-634 Distance Learning	\$	50,000	\$	50,000	69676
5T3 935-607 Gates Foundation	\$	200,000	\$	200,000	69677
Grants					
TOTAL SSR State Special Revenue	\$	275,000	\$	275,000	69678
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	30,193,620	\$	30,180,622	69679

**Section 285.30. TELECOMMUNICATIONS** 69681

STATEHOUSE NEWS BUREAU 69682

The foregoing appropriation item 935-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 69683  
 69684  
 69685

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 69686

The foregoing appropriation item 935-402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services. 69687  
 69688  
 69689

TECHNICAL OPERATIONS 69690

Of the foregoing appropriation item 935-403, Technical Operations, up to \$36,000 in each fiscal year shall be used to pay the one hundred fifty dollar monthly per-antenna collocation fee that applies to public agencies with antennae on towers managed by OIT for the Multi-Agency Radio Communications System (MARCS), as outlined in policies and procedures adopted by the MARCS Steering Committee. The total amount of these fees paid by eTech Ohio on behalf of its public television and radio station affiliates with antennae on the eighteen towers transferred from eTech Ohio to OIT 69691  
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shall be subject to any offsetting reductions negotiated by eTech 69700  
Ohio or its affiliates to account for MARCS use of these or other 69701  
affiliate towers. Any portion of the annual amount hereby 69702  
designated that is not disbursed or encumbered for this purpose 69703  
shall lapse at the end of the respective fiscal year. 69704

The remainder of appropriation item 935-403, Technical 69705  
Operations, shall be used by eTech Ohio to pay expenses of eTech 69706  
Ohio's network infrastructure, which includes the television and 69707  
radio transmission infrastructure and infrastructure that shall 69708  
link all public K-12 classrooms to each other and the Internet, 69709  
and provide access to voice, video, and data educational resources 69710  
for students and teachers. 69711

TELECOMMUNICATIONS OPERATING SUBSIDY 69712

Of the foregoing appropriation item 935-404, 69713  
Telecommunications Operating Subsidy, \$45,000 in each fiscal year 69714  
shall be used to contract for dial-up newspaper reading services 69715  
for the blind and physically handicapped. The contract shall be 69716  
awarded subject to Controlling Board approval, through a 69717  
competitive bidding process. 69718

The remainder of appropriation item 935-404, 69719  
Telecommunications Operating Subsidy, shall be distributed by 69720  
eTech Ohio to Ohio's qualified public educational television 69721  
stations, radio reading services, and educational radio stations 69722  
to support their operations. The funds shall be distributed 69723  
pursuant to an allocation formula used by the Ohio Educational 69724  
Telecommunications Network Commission unless and until a 69725  
substitute formula is developed by eTech Ohio in consultation with 69726  
Ohio's qualified public educational television stations, radio 69727  
reading services, and educational radio stations. 69728

**Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL** 69729  
DEVELOPMENT 69730

The foregoing appropriation item 935-406, Technical and Instructional Professional Development, shall be used by eTech Ohio to make grants or provide services to qualifying public schools, including the State School for the Blind, the State School for the Deaf, and the Department of Youth Services, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$1,000,000 in each fiscal year shall be used to implement and support the Ohio Students Choosing On-line Resources for Educational Success (Ohio SCORES) initiative that increases the educational options available to students in mathematics, advanced laboratory-based science, and foreign language. eTech Ohio shall work collaboratively with the Department of Education and the Board of Regents on this initiative.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$200,000 in each fiscal year shall be used by eTech Ohio to provide competitive professional development grants to school districts. Grant proposals shall focus on developing innovative programs that enhance the abilities of teachers to use innovative methods for integrating technology to implement state academic content standards in classroom lessons. Grant requirements and awards shall be approved by eTech Ohio, with priority given to school districts designated in academic emergency, academic watch, or continuous improvement. eTech Ohio shall develop a web site to share information learned through these programs with school districts statewide. The web site shall be linked with the Ohio Department of Education's Instructional Management System.

Of the foregoing appropriation item 935-406, Technical and

Instructional Professional Development, up to \$1,260,000 in each 69763  
fiscal year shall be allocated equally among the 12 Ohio 69764  
educational television stations and used with the advice and 69765  
approval of eTech Ohio. Funds shall be used for the production of 69766  
interactive instructional programming series with priority given 69767  
to resources aligned with state academic content standards in 69768  
consultation with the Ohio Department of Education and for 69769  
teleconferences to support eTech Ohio. The programming shall be 69770  
targeted to the needs of the poorest two hundred school districts 69771  
as determined by the district's adjusted valuation per pupil as 69772  
defined in former section 3317.0213 of the Revised Code as that 69773  
section existed prior to June 30, 2005. 69774

The remainder of appropriation item 935-406, Technical and 69775  
Instructional Professional Development, shall be used by eTech 69776  
Ohio for professional development for teachers and administrators 69777  
for the use of educational technology. eTech Ohio may make grants 69778  
to provide technical assistance and professional development on 69779  
the use of educational technology to school districts. 69780

Eligible recipients of grants include regional training 69781  
centers, educational service centers, information technology 69782  
centers, educational technology centers, institutions of higher 69783  
education, public television stations, special education resource 69784  
centers, area media centers, or other nonprofit educational 69785  
organizations. In addition, services provided through these grants 69786  
may include use of private entities subcontracting through the 69787  
grant recipient. 69788

Grants shall be made to entities on a contractual basis with 69789  
eTech Ohio. Contracts shall include provisions that demonstrate 69790  
how services will benefit technology use in the public schools, 69791  
and in particular how services will support eTech Ohio's efforts 69792  
to integrate technology in the public schools. Contracts shall 69793  
specify the scope of assistance being offered and the potential 69794

number of professionals who will be served. Contracting entities 69795  
may be awarded more than one grant at a time. Grants shall be 69796  
awarded in a manner consistent with the goals and priorities of 69797  
eTech Ohio. Special emphasis in the award of grants shall be 69798  
placed on collaborative efforts among service providers. 69799

Application for grants from appropriation item 935-406, 69800  
Technical and Instructional Professional Development, shall be 69801  
consistent with a school district's technology plan that shall 69802  
meet the minimum specifications for school district technology 69803  
plans as prescribed by eTech Ohio. Funds allocated through these 69804  
grants may be combined with funds received through other state or 69805  
federal grants for technology so long as the school district's 69806  
technology plan specifies the use of these funds. 69807

**Section 285.50. EDUCATIONAL TECHNOLOGY** 69808

The foregoing appropriation item 935-539, Educational 69809  
Technology, shall be used to provide funding to suppliers of 69810  
information services to school districts for the provision of 69811  
hardware, software, and staff development in support of 69812  
educational uses of technology in the classroom as prescribed by 69813  
the State Plan for Technology pursuant to section 3301.07 of the 69814  
Revised Code, and to support assistive technology for children and 69815  
youth with disabilities. 69816

Of the foregoing appropriation item 935-539, Education 69817  
Technology, up to \$4,139,551 in each fiscal year shall be used by 69818  
eTech Ohio to contract with educational television to provide Ohio 69819  
public schools with instructional resources and services with 69820  
priority given to resources and services aligned with state 69821  
academic content standards and such resources and services shall 69822  
be based upon the advice and approval of eTech Ohio, based on a 69823  
formula used by the Ohio SchoolNet Commission unless and until a 69824  
substitute formula is developed by eTech Ohio in consultation with 69825

Ohio's educational technology agencies and noncommercial 69826  
educational television stations. 69827

Resources may include, but not be limited to, the following: 69828  
prerecorded video materials (including videotape, laser discs, and 69829  
CD-ROM discs); computer software for student use or student access 69830  
to electronic communication, databases, spreadsheet, and word 69831  
processing capability; live student courses or courses delivered 69832  
electronically; automated media systems; and instructional and 69833  
professional development materials for teachers. eTech Ohio shall 69834  
collaborate with public television stations and cooperate with 69835  
education technology agencies in the acquisition, development, and 69836  
delivery of these educational resources to ensure high-quality and 69837  
educational soundness at the lowest possible cost. Delivery of 69838  
these resources may utilize a variety of technologies. 69839

Services shall include presentations and technical assistance 69840  
that will help students and teachers integrate educational 69841  
materials that support curriculum objectives, match specific 69842  
learning styles, and are appropriate for individual interests and 69843  
ability levels. 69844

The instructional resources and services shall be made 69845  
available for purchase by chartered nonpublic schools or by school 69846  
districts for the benefit of pupils attending chartered nonpublic 69847  
schools. 69848

eTech Ohio shall monitor the developments of technology, 69849  
coordinate with the Office of Information Technology, and assure 69850  
the most effective and highest quality operation of eTech Ohio 69851  
networks. All efforts may be aligned with the State's ongoing 69852  
efforts to coordinate appropriate network operations through the 69853  
Office of Information Technology and through the Third Frontier 69854  
Network. 69855

**Section 285.55.** (A) The Governor is hereby authorized to 69856



execute deeds or leases in the name of the state, granting or 69857  
leasing all of the state's right, title, and interest in eighteen 69858  
parcels on which stand eTech Ohio towers, the parcels being 69859  
particularly described as follows: 69860

Akron/Nimisila 69861

Situated in the Township of Green, County of Summit, State of Ohio 69862  
being part of the Southwest Quarter Section Eighteen (18) of 69863  
Township Twelve North (T-12-N), Range Nine West (R-9-W), more 69864  
particularly bounded and described as follows: 69865

Commencing at the Point of Intersection of the centerline of South 69866  
Main Street (County Highway 50) with the centerline of Caston Road 69867  
(County Highway 224); thence South 49 07' 20" East along and with 69868  
the centerline of said Caston Road a distance of 394.15 feet to an 69869  
iron pin; thence continuing South 49 07' 20" East a distance of 69870  
300 feet to an iron pin at a PI of the centerline of said Caston 69871  
Road; thence South 38 05' 26" East a distance of 138.82 feet to an 69872  
iron pin at the True Place of Beginning of the parcel of land 69873  
hereinafter described: 69874

Thence, South 50° 22' 26" East a distance of 50 feet to an 69875  
iron pin; 69876

Thence, South 9° 37' 34" West a distance of 591.62 feet to an 69877  
iron pin; 69878

Thence, South 69° 37' 34" West a distance of 50 feet to an 69879  
iron pin; 69880

Thence, North 49° 22' 19" West a distance of 558.17 feet to 69881  
an iron pin; 69882

Thence, North 9° 37' 34" East a distance of 50 feet to an 69883  
iron pin; 69884

Thence, North 67° 37' 34" East a distance of 558.17 feet to 69885  
the True Place of Beginning, containing 4.38 acres, to be the same 69886

more or less, according to survey by Justin A Seiler, Registered 69887  
Surveyor #4421, on March 20, 1974, but subject to all legal 69888  
highways. 69889

Butler 69890

County of Richland in the State of Ohio, and bounded and described 69891  
as follows: Situated in the Township of Jefferson, County of 69892  
Richland, State of Ohio and being a part of the Southeast Quarter 69893  
of the Southeast Quarter Section Twenty-three (23) of Township 69894  
Nineteen (19), Range Eighteen (18), more particularly bounded and 69895  
described as follows: 69896

Commencing at the Southeast Corner of said Southeast Quarter 69897  
Section 23; thence Northerly along and with the East Line of said 69898  
Quarter a distance of 80 Rods to the Northeast corner of said 69899  
Southeast Quarter of the Southeast Quarter Section 23; thence 69900  
Westerly parallel with the South Line of said Quarter a distance 69901  
of 202.5 feet to the True Place of Beginning; 69902

THENCE, continuing Westerly parallel with said South Line a 69903  
distance of 688 feet to an iron pin; 69904

THENCE, Southerly with an interior angle of 90° a distance of 763 69905  
feet to an iron pin; 69906

THENCE, Easterly with an interior angle of 90° a distance of 688 69907  
feet to an iron pin; 69908

THENCE, Northerly with an interior angle of 90° a distance of 763 69909  
feet to the True Place of Beginning, containing 12.05 acres, be 69910  
the same more or less, according to survey by Justin A. Seiler, 69911  
Registered Surveyor #4421, on March 12, 1974. 69912

Carey 69913

Being a tract of land in Section 28, Range 13E, Township 15, 69914  
Crawford Township, Wyandot County, State of Ohio which is further 69915  
described as follows: 69916

Beginning at a point on the north line of Section 28 which line is also the center line of Count road 25 (also known as Tyson Road) which point is South 89° 53' 11" East long the said north line of Section 28, a distance of two hundred sixty-one and ninety hundredths (261.90) feet from the northwest corner of said Section 28 said corner also being the intersection of the center line of County Road 97 and said County Road 25;

Thence, along the said north line of Section 28 North 89° 53' 30" East, a distance of four hundred thirty-one and seventy-one hundredths (431.71) feet to a point;

Thence, South 3° 42' 00" West, a distance of twenty and four hundredths (20.04) feet to a concrete monument;

Thence, continuing South 3° 42' 00" West, a distance of seven hundred sixty-nine and fifty-four hundredths (769.54) feet to a concrete monument;

Thence, North 62° 09' 49" West, a distance of five hundred ninety-five and four hundredths (595.04) feet to a concrete monument;

Thence, North 4° 53' 19" West, a distance of four hundred thirty-six and seventy-five hundredths (436.75) feet to a concrete monument;

Thence, North 73° 29' 57" East, a distance of one hundred ninety and fifty-four hundredths (190.54) feet to a concrete monument;

Thence, North 0° 06' 30" West, a distance of twenty and no hundredths (20.00) feet to the point of beginning.

Carmel Church

Township of Bloomfield, in the County of Jackson, and State of Ohio.

Being a tract of land in the Southeast Quarter of Section 35 in Range 17W, Township 8N, Bloomfield Township, Jackson County, Ohio

which is further described as follows: 69947

Beginning at a point in the center line of Township Road 144 which 69948  
point is located by the following two (2) courses from the 69949  
northwest corner of the said Southeast Quarter of Section 35; 69950

(1) South 4° 24 feet West along the west line of the said 69951  
Southeast Quarter of Section 35, a distance of one hundred 69952  
thirty-one and four tenths (131.4) feet to a point in the said 69953  
center line of Township Road 144; 69954

(2) South 65° 11 feet East along the said center line of 69955  
Township Road 144, a distance of five hundred eighty-five and no 69956  
hundredths (585.00) feet to said beginning point; 69957

Thence, South 4° 24 feet West, a distance of thirty-two and one 69958  
hundredth (32.01) feet to a concrete monument; 69959

thence, continuing South 4° 24 feet West, a distance of six 69960  
hundred forty-two and forty hundredths (642.40) feet to a concrete 69961  
monument; 69962

thence, continuing South 4° 24 feet West, a distance of thirty-two 69963  
and two hundredths (32.02) feet to a point in the County Road 46; 69964

thence, North 73° 56 feet East being in County Road 46, a distance 69965  
of one thousand eleven and forty-nine hundredths (1,011.49) feet 69966  
to a point in the aforementioned center line of Township Road 144; 69967

thence, North 65° 11 feet West along the said center line of 69968  
County Road 144, a distance of one thousand eleven and seventeen 69969  
hundredths (1,011.17) feet to the point of the beginning. 69970

This tract contains seven and six hundred eight-two thousandths 69971  
(7.682) acres, more or less. 69972

Celina 69973

TRACT ONE 69974

Being a parcel of land situated in Jefferson Township, Mercer 69975

County, Ohio in the northeast quarter of the northeast quarter of 69976  
Section 4, Township 6 South, Range 3 East. Being more particularly 69977  
described as follows: 69978

Commencing for reference at a 5/8 inch iron bar at the northeast 69979  
corner of said section 4 69980

Thence, south 00° 50' 10" west, along the east line of said 69981  
section 4 and the centerline of Dibble Road, a distance of thirty 69982  
(30.00) feet to the south line of the Norfolk and Western Railroad 69983  
Right-of Way. Said point being the place of beginning for the 69984  
parcel to be described herein 69985

Thence, continuing south 00° 50' 10" west along the last described 69986  
line, a distance of two hundred thirty-eight and 50/100 (238.50) 69987  
feet to a point 69988

Thence, north 89° 05' 33" west, a distance of two hundred 69989  
sixty-seven and 91/100 (267.91) feet to a point 69990

Thence, north 00° 50' 10" east, a distance of two hundred 69991  
thirty-eight and 51/100 (238.50) feet to the south line of the 69992  
aforementioned Norfolk the Western Railroad right-of-way 69993

Thence, south 89° 05' 33" east, along said south right-of-way, a 69994  
distance of two hundred sixty-seven and 91/100 (267.91) feet to 69995  
the place of beginning 69996

Containing 1.467 acres of land more or less. 69997

TRACT TWO 69998

Being a parcel of land situated in Jefferson Township, Mercer 69999  
County, Ohio in the northwest quarter of the northeast quarter of 70000  
Section 3, Township 6 South, Range 3 East. Being more particularly 70001  
described as follows: 70002

Commencing for reference at a 5/8 inch iron bar at the northwest 70003  
corner of said section 3 70004

Thence, south 00° 50' 10" west, along the east line of said 70005

section 3 and the centerline of Dibble Road, a distance of fifty 70006  
(50.00) feet to the south line of the Norfolk and Western Railroad 70007  
Right-of-Way. Said point being the place of beginning for the 70008  
parcel to be described herein 70009

Thence, continuing south 00° 50' 10" west along the last described 70010  
line, a distance of Five Hundred eighty-two and 50/100 (582.50) 70011  
feet to a point 70012

Thence, north 89° 05' 33" east, a distance of three hundred 70013  
sixty-seven and 91/100 (367.91) feet to a point 70014

Thence, north 00° 50' 10" east, a distance of five hundred 70015  
eighty-two and 50/100 (582.50) feet to the southline of the 70016  
aforementioned Norfolk and Western Railroad right-of-way 70017

Thence, north 89° 05' 33" west, along said south right-of-way, a 70018  
distance of three hundred sixty-seven and 91/100 (367.91) feet to 70019  
the place of beginning 70020

Containing 4.920 acres of land more or less. 70021

College Corner/Oxford 70022

Situate in the State of Ohio, Butler County, Oxford Township, 70023  
being a part of Section 5, Range 1 East, Township 5 North, 70024  
Congress Lands West of the Miami, also being a parcel out of those 70025  
lands conveyed to Miami University by Deed of Record in Deed Book 70026  
965, Page 42, Recorder's Office, Butler County, Ohio and being a 70027  
lease for a radio broadcasting antenna tower and the necessary guy 70028  
and anchor structures, more particularly described as follows: 70029

Beginning for reference at the northwest corner of Section 5, 70030  
Range 1 East, Township 5 North, Congress Lands West of the Miami, 70031  
said point also being at the intersection of Jones Road and Taylor 70032  
Road and in the Preble-Butler County Line; thence leaving said 70033  
County Line, said Jones road and with the centerline of said 70034  
Taylor Road and the west line of said Section 5, South 00° 05' 70035

West 3619.2 feet to a point, said point being the northwesterly corner of the 14.01 acre tract as conveyed in said Deed Book 695, Page 42,; thence leaving the centerline of said Taylor Road and the west line of said Section 5 and with a northerly line of said 14.01 acre parcel South 89 degrees 55' East 356.8 feet to a point; thence leaving the northerly line of said 14.01 acre parcel and crossing said 14.01 acre parcel South 00° 05' West 40.00 feet to a point; thence continuing across said 14.01 acre parcel North 87° 53' East 386.5 feet to the center of an existing antenna tower and the True Point of Beginning of the herein described leases, said tower also having geographic coordinates of North Latitude 39° 31' 37" and West Longitude 84° 47' 36".

Parcel A: Being a circular area of fifty (50.00) foot radius centered on the aforescribed antenna tower and containing 7854 square feet, more or less.

Parcel B: Beginning at a point which bears North 27° 53' East, a distance of fifty (50.00) feet from the aforescribed antenna tower and at a point on the circumference of the aforescribed circle; thence with the centerline of a twenty (20.00) foot wide easement, being ten (10.00) feet on each side of said centerline North 27° 53' East 300.00 feet to the terminus of said Lease B and containing 6006.7 square feet, more or less.

Parcel C: Beginning at a point which bears South 32° 07' East a distance of fifty (50.00) feet from the aforescribed antenna tower and at a point on the circumference of the aforescribed circle; thence with the centerline of a twenty (20.00) foot wide easement, being ten (10.00) feet on each side of said centerline South 32° 07' East 293.00 feet to the terminus of said Lease C and containing 5866.7 square feet, more or less

Parcel D: Beginning at a point which bears South 87° 53' West a distance of fifty (50.00) feet from the aforescribed antenna

tower and at a point on the circumference of the aforescribed 70067  
circle; thence with the centerline of a twenty (20.00) foot wide 70068  
easement, being ten (10.00) feet on each side of said centerline 70069  
South 87° 53' West 300.00 feet to the terminus of said Lease D and 70070  
containing 6006.7 square feet, more or less. 70071

The aforescribed four lease parcels containing a total of 70072  
25734.1 square feet or 0.591 acres, more or less 70073

Ashtabula 70074

Located in Sheffield Township, Ashtabula County, State of Ohio and 70075  
being part of Lot 2, Township 12, Range 2 and more particularly 70076  
described as follows: 70077

Beginning at the intersection of the centerline of Plymouth Ridge 70078  
Road and the centerline of Wright Street said intersection also 70079  
being the Southwest corner of Steven Raydek property; 70080

Thence North along the said centerline of Wright Street a distance 70081  
of 1,782.0 feet to a point; 70082

Thence Easterly with an interior angle of 90° 00 minutes along the 70083  
Westerly projection of the East guy line a distance of 180.0 feet 70084  
to the center of the tower. 70085

Fairborn/Wright State 70086

Being a tract of land situated on Wright State University campus, 70087  
City of Fairborn, Green County, State of Ohio, and being bounded 70088  
and more particularly described as follows: 70089

Beginning at a point being at P.K. nail located in the centerline 70090  
of Colonel Glenn Highway, and the point being referred to as 70091  
station 104+00; thence North (13°-17'-57") East a distance of 70092  
1933.55 feet to an iron pin being the true point of beginning; 70093  
thence North (44°-08'-37") West a distance of 49.04 feet to an 70094  
iron pin; thence North (45°-51'23") East a distance of 70.95 feet 70095  
to an iron pin; thence South (44°-08'-37") a distance of 49.04 70096



feet to an iron pin; thence South (45°-51'-23") West a distance of 70097  
70.95 feet to an iron pin being the true point of beginning 70098  
containing 0.080 acres more or less subject however to all 70099  
easements of record. 70100

Lancaster 70101

Situated in the state of Ohio, County of Fairfield, Township of 70102  
Hocking and further described as follows: 70103

Being a site 100' in length, east and west, by 50' in width, north 70104  
and south, within which area a base for a broadcasting tower, a 70105  
generator pad and a tank foundation are to be constructed, said 70106  
tower to be located approximately 184 feet north of the southwest 70107  
corner of building No. 2.004 and approximately 132 feet east of 70108  
the fence along the easterly side of Jackson Road, also, together 70109  
with existing guy wires and an access road running from Jackson 70110  
Road, thence due east to the west line of the above described 70111  
site. 70112

London 70113

Roberts Mill Road on certain lands belonging to the State of Ohio, 70114  
known as London Prison Farm. 70115

Loudonville 70116

Located in Washington Township, Holmes County, State of Ohio and 70117  
in the East Half of the northwest Quarter of Section 5, Township 70118  
19, Range 15 and more particularly described as follows: 70119

Beginning at the intersection of the centerline of Township Road 70120  
32 and the west line of the east half of the northwest quarter of 70121  
Section 5, said west line also being the Grantor's westerly 70122  
property line. 70123

Thence easterly along the said centerline a distance of 270.8 feet 70124  
to a point; 70125

Thence Southerly along the North Guy line projected a distance of 70126

660.25 feet to the center of the Tower, said center of the Tower 70127  
being 314 feet, more or less, easterly of the said West line of 70128  
the East Half of the northwest Quarter of Section 5. 70129

The total area of occupancy, including the tower base, building 70130  
and guy line areas shall not exceed 1.0 acre. 70131

Mansfield 70132

Situate in the State of Ohio, County of Richland, Washington 70133  
Township, being a part of the Northwest Quarter (1/4) of Section 70134  
11, Township 20 North, Range 18 West, also being a parcel out of 70135  
those lands conveyed to James Edward Procker by Deed of Record in 70136  
Deed Book 585, Page 578, Recorders Office, Richland County, Ohio 70137  
and being more particularly described as follows: 70138

Beginning for Reference at the intersection of the centerline of 70139  
the Mansfield-Washington Road (C.H. 301) and the southeast line of 70140  
James Procker's 15 acre parcel as described in said Deed Book 585, 70141  
Page 578, Recorder's Office, Richland County, Ohio and in the 70142  
Northeast Quarter (1/4) of said Section 11; thence leaving said 70143  
Mansfield-Washington Road and with the southeast line of said 70144  
James Procker South 47° 59' 08" West 968.22 feet to a point on the 70145  
East line of Northwest Quarter (1/4) of said Section 11; thence 70146  
leaving the East line of said Northwest Quarter (1/4) of said 70147  
Section 11 and across the lands of said James Procker and the 70148  
Northwest Quarter (1/4) of said Section 11 North 64° 11' 46" West 70149  
1186.56 feet to a point, the center of an existing radio 70150  
transmission tower; thence North 09° 01' 06" West 13.00 feet to 70151  
the Reference Point of Beginning of the four (4) hereinafter 70152  
described easements, said Point of Beginning being half (1/2) way 70153  
towards another existing radio transmission tower, 26.00 feet 70154  
northerly from the first transmission tower. 70155

Lease No. 1 Circular Area 70156

Being a Circle having a 75.00 foot Radius, centered upon The 70157

Reference Point of Beginning as described above, said Reference 70158  
Point being True Point of Beginning for this circular area and 70159  
lying half (1/2) way between two existing Radio Transmission 70160  
Towers and containing 17,671 square feet, more or less. 70161

Lease No. 2 Guy and Anchor Area (Northerly) 70162

Beginning for Reference at the aforementioned Reference Point of 70163  
Beginning at a point half (1/2) way between two existing Radio 70164  
Transmitting Towers: thence North 09 50' 08" East 75.00 feet to a 70165  
point on the circumference of the 75.00 foot radius circle 70166  
described in Lease No. 1 above and the True Point of Beginning of 70167  
the following described parcel; thence along the centerline of a 70168  
18.00 foot wide strip, 9 foot on each side of the following 70169  
described line and parallel with the northerly guy of the 70170  
southerly Radio Transmitting Tower, 70171

North 09° 50' 08" East 237.14 feet to the terminus of Lease No. 2 70172  
and containing 4269 square feet, more or less. 70173

Lease No. 3 Guy and Anchor Area (Southereasterly) 70174

Beginning for Reference at the aforementioned Reference Point of 70175  
Beginning at a point half (1/2) way between two existing Radio 70176  
Transmitting Towers; thence South 50 09' 52" East 75.00 feet to a 70177  
point on the circumference of the 75.00 foot radius circle 70178  
described in Lease No. 1 above and the True Point of Beginning of 70179  
the following described parcel; thence along the centerline of a 70180  
27.00 foot wide strip, 13.50 feet on each side of the following 70181  
described line and parallel with the southeasterly guy of the 70182  
southerly Radio Transmitting Tower, 70183

South 50° 09' 52" East 217.93 feet to the terminus of Lease No. 3 70184  
and containing 5884 square feet, more or less. 70185

Lease No. 4 Guy and Anchor Area (southwesterly) 70186

Beginning for Reference at the aforementioned Reference Point of 70187

Beginning at a point half (1/2) way between two existing Radio 70188  
Transmitting Towers; thence South 69° 50' 08" West 75.00 feet to a 70189  
point on the circumference of the 75.00 foot radius circle 70190  
described in Lease No. 1 above and the True Point of Beginning of 70191  
the following described line and parallel with the southwesterly 70192  
guy of the southerly Radio Transmitting Tower. 70193

South 69° 50' 08" West 240.84 feet to the terminus of Lease No. 4 70194  
and containing 10,356 square feet, more or less. 70195

Maplewood 70196

The following described Real Estate, situate in the Township of 70197  
Jackson in the County of Shelby and State of Ohio. 70198

Being part of the southeast quarter of the southeast quarter of 70199  
Section 29, Town 7 South, Range 7 East, Jackson Township, Shelby 70200  
County, Ohio, and more particularly described as follows: 70201

Commencing at the stone at the Southeast corner of the Southeast 70202  
quarter of Section 29, Jackson Township, (stone being in the 70203  
center on the Wones Road and State Route 119); thence in a 70204  
westerly direction along the center o the State Route 119, 971.58 70205  
feet to a Railroad Spike, this being the PLACE OF BEGNNNING. 70206

Thence continuing in a westerly direction along the center of 70207  
State Route 119, 340.80 feet to a Railroad Spike on the West line 70208  
of the Southeast Quarter of the Southeast Quarter of Section 29, 70209  
Jackson Township; thence in a Northerly direction with an internal 70210  
angle of 89 degrees 25 minutes along the West line of the 70211  
Southeast Quarter of the Southeast Quarter of Section 29, Jackson 70212  
Township, 1142.38 feet to a Railroad Tie corner post; thence in an 70213  
Easterly direction with an internal angle of 90 degrees 40 minutes 70214  
339.50 feet to an iron pipe; thence in a Southerly direction with 70215  
an internal angle of 89 degrees 22 minutes, 1143.63 feet to the 70216  
Railroad Spike in the center of State Route 119, which was the 70217  
PLACE OF BEGINNING. 70218

The above described tract of land contains 8.92 areas more or 70219  
less, subject to all legal highways and easements of record. Being 70220  
part of the same premises conveyed by deed recorded in Volume 196, 70221  
Page 132 of the Deed Records of Shelby County, Ohio. 70222

ALSO, Situate in the Township of Jackson in the County of Shelby 70223  
and State of Ohio. 70224

The following described tract of land is part of the southeast 70225  
quarter of southeast quarter of Section 29 - T7S - R7E, Jackson 70226  
Township, Shelby County, Ohio and is more particularly described 70227  
as follows. 70228

Commencing at a stone at the southeast corner of southeast quarter 70229  
of Section 29 Jackson Township. (Stone being in the center on 70230  
Wones Road and State Route 119). 70231

Thence in a westerly direction along center line of S. R. 119, 70232  
777.46' to first railroad spike. Continuing in westerly direction 70233  
along center line of S.R. 119, 194.12' to second railroad spike. 70234

Thence in a northerly direction with internal angle of 89°, 27', 70235  
495 ft. to I.P. (set stake). This being place of beginning. 70236

Thence in a northerly direction 634.08' to an iron pipe (post). 70237

Thence in an easterly direction with internal angle of 90° - 18', 70238  
194.11' to an iron pipe. 70239

Thence in a southerly direction with internal angle of 89° - 42', 70240  
633.33' to a point (set stake). 70241

Thence in a westerly direction with internal angle of 90° - 33', 70242  
194.115' to I.P. which was place of beginning. 70243

Millersburg 70244

Being a part of a 35.47 acre parcel of land, known as lot #24 in 70245  
the 1st quarter Township, Township 9, Range 8, Monroe Township, 70246  
Holmes County, Ohio. Being more particularly described as follows: 70247

Being a plot approximately 30' X 20' (approximately 600 square feet), located in the northwest corner of the property with center of tower base to be located approximately 500' south of north property line and 152' east of West property line. 70248  
70249  
70250  
70251

\*Thompson\* 70252

Begin part of a 16 acre parcel of land situated in Thompson Township, Geauga County, Ohio, and known as Lot #20 as described in Deed #272-290. Being more particularly described as follows: 70253  
70254  
70255

Being a triangular land area measuring fifty (50) feet southwest to north by fifty (50) feet southeast to north by fifty (50) feet west to east to be situated at the northwest corner of the aforementioned 16 acre parcel. Also being an additional rectangular land area measuring from the southwest corner of the aforementioned land area south 21 feet then east by 35 feet then north by 21 feet thus returning to the southeast corner of the aforementioned land area. 70256  
70257  
70258  
70259  
70260  
70261  
70262  
70263

Warrensville Heights 70264

41° 26' 48"N 70265

81° 30' 20"W 70266

Wilberforce (CSU) 70267

Situate in the State of Ohio, Greene County, Xenia Township and the Village of Wilberforce and being a part of those lands conveyed from Central State University to the Ohio Educational Broadcasting Network Commission by a Transfer of Jurisdiction, dated September 18, 1974, and being two (2) easements more particularly described as follows: 70268  
70269  
70270  
70271  
70272  
70273

Tract No. 1. Steam Tunnel serving Lane Hall (Guy and Anchor Block) 70274

Being an eight foot (8.0') wide easement, four feet (4.0') on each side of the following described centerline; Beginning for Reference at approximate station 11+60 as shown on Drawing No. 70275  
70276  
70277

G-1, Sheet 3 of 35, Section No. G-5, Titled Project No. 70278  
255-88-059, UTILITY TUNNEL LOOP, Phase 1, Central State University 70279  
and prepared by Fosdick and Hilmer, Inc., Consulting Engineers and 70280  
THP Limited of Cincinnati, Ohio; thence with the centerline of the 70281  
Steam Tunnel serving said Lane Hall, South 31° East 30.0 feet more 70282  
or less; thence South 48° 30' East 84.3 feet, more or less, to the 70283  
True Point of Beginning of the herein described easement; thence 70284  
continuing with the centerline of said Steam Tunnel 70285  
South 48° 30' East 17.4 feet, more or less, to the terminus of the 70286  
herein described easement. 70287

Tract No. 2. Steam Tunnel G-5 Serving the Cosby Center for Mass 70288  
Communication (antenna site) 70289

Being a five foot (5.0') wide easement, two and one-half feet 70290  
(2.5') on each side of the following described centerline; 70291  
Beginning for Reference at a northerly corner of the Cosby Center 70292  
for Mass Communication; thence with a northwesterly wall of said 70293  
Cosby Center South 41° West 67.4 feet, more or less, to the True 70294  
Point of Beginning of the herein described easement and on the 70295  
centerline of said Steam Tunnel as shown on Drawing No. G-1, Sheet 70296  
3 of 35, Section No. G-5, Titled Project No. 255-88-059, UTILITY 70297  
TUNNEL LOOP, Phase 1, Central State University and prepared by 70298  
Fosdick and Hilmer, Inc. and THP Limited of Cincinnati, Ohio; 70299  
thence with the centerline of said Steam Tunnel. 70300

North 49° West 4.6 feet, more or less; thence 70301  
North 41° East 23.3 feet, more or less, to the terminus of the 70302  
herein described easement. 70303

Wooster 70304

Being a tract of land in Section 15, Range 13W, Township 16N, 70305  
Wooster Township, Wayne County, State of Ohio which is further 70306  
described as follows: 70307

Beginning for a point at a concrete monument which point is 70308  
located by the following two (2) courses from the southeast corner 70309  
of Section 15:- 70310

(1) North 0° 03' 45" East, a distance of one thousand one 70311  
hundred fifty-five and twenty hundredths (1,155.20) feet to a 70312  
point in the centerline of Hayden Road; 70313

(2) North 58° 15' 15" West, a distance of four hundred 70314  
eighty-three and eighty-six hundredths (483.86) feet to the said 70315  
point of beginning. 70316

Thence, North 89° 28' 57" West, a distance of five hundred seventy 70317  
and no hundredths (570.00) feet to a concrete monument; 70318

Thence, North 0° 31' 03" East, a distance of six hundred 70319  
fifty-eight and eighteen hundredths (658.18) feet to a concrete 70320  
monument; 70321

Thence, South 89° 28' 67" East, a distance of five hundred seventy 70322  
and no hundredths (570.00) feet to a concrete monument; 70323

Thence, South 0° 31' 03" West, a distance of six hundred fifty 70324  
eight and eighteen hundredths (658.18) feet to the point of 70325  
beginning. 70326

This tract contains eight and sixty-one hundredths (8.61) acres, 70327  
more or less. 70328

(B) All rights, privileges, ownership, and control of the 70329  
towers shall be transferred from eTech Ohio to the Office of 70330  
Information Technology (OIT) by July 1, 2007. Where the land upon 70331  
which the towers are located is leased by eTech Ohio, eTech Ohio 70332  
shall relinquish its right on any such lease and OIT shall be 70333  
substituted as the lessee of the premises by July 1, 2007, under 70334  
the same terms, provisions, and conditions as specified in each 70335  
lease agreement, subject to the lessor's consent. Where the land 70336  
upon which the towers are located is owned by eTech Ohio, all 70337



rights, privileges, ownership and control of the land shall be 70338  
transferred to OIT by July 1, 2007. The transfers and assignments 70339  
of the eighteen tower site designations are subject to eTech 70340  
Ohio's continued right to use the towers and the premises on which 70341  
the towers are located for transmission and broadcasting; to OIT 70342  
policies and procedures; and to completion of any legal surveys of 70343  
the premises deemed necessary by the Office of Real Estate 70344  
Services. 70345

(C) Renewable leases and deeds to implement this section 70346  
shall be prepared by the Auditor of State with the assistance of 70347  
the Attorney General, executed by the Governor, countersigned by 70348  
the Secretary of State, sealed with the Great State of Ohio, and 70349  
presented for recording in the Office of the Auditor of State. 70350  
Each deed or lease shall be delivered to the original grantor or 70351  
lessor of each property for recording in the office of the 70352  
appropriate county recorder. 70353

**Section 285.60. TELECOMMUNITY** 70354

The foregoing appropriation item 935-630, Telecommunity, 70355  
shall be distributed by eTech Ohio on a grant basis to eligible 70356  
school districts to establish "distance learning" through 70357  
interactive video technologies in the school district. Per 70358  
agreements with eight Ohio local telephone companies ALLTEL Ohio, 70359  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 70360  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 70361  
Sprint North Central Telephone, VERIZON, and Western Reserve 70362  
Telephone Company, school districts are eligible for funds if they 70363  
are within one of the listed telephone company service areas. 70364  
Funds to administer the program shall be expended by eTech Ohio up 70365  
to the amount specified in agreements with the listed telephone 70366  
companies. 70367

Within thirty days after the effective date of this section, 70368

the Director of Budget and Management shall transfer to Fund 4W9 70369  
in the State Special Revenue Fund Group any investment earnings 70370  
from moneys paid by any telephone company as part of any 70371  
settlement agreement between the listed companies and the Public 70372  
Utilities Commission in fiscal years 1996 and beyond. 70373

DISTANCE LEARNING 70374

The foregoing appropriation item 935-634, Distance Learning, 70375  
shall be distributed by eTech Ohio on a grant basis to eligible 70376  
school districts to establish "distance learning" in the school 70377  
district. Per the agreement with Ameritech, school districts are 70378  
eligible for funds if they are within an Ameritech service area. 70379  
Funds to administer the program shall be expended by eTech Ohio up 70380  
to the amount specified in the agreement with Ameritech. 70381

Within thirty days after the effective date of this section, 70382  
the Director of Budget and Management shall transfer to Fund 4X1 70383  
in the State Special Revenue Fund Group any investment earnings 70384  
from moneys paid by any telephone company as part of a settlement 70385  
agreement between the company and the Public Utilities Commission 70386  
in fiscal year 1995. 70387

GATES FOUNDATION GRANTS 70388

The foregoing appropriation item 935-607, Gates Foundation 70389  
Grants, shall be used by eTech Ohio to provide professional 70390  
development to school district principals, superintendents, and 70391  
other administrative staff for the use of education technology. 70392

**Section 287.10.** ETH OHIO ETHICS COMMISSION 70393

General Revenue Fund 70394

GRF 146-321 Operating Expenses \$ 1,863,028 \$ 1,967,275 70395

TOTAL GRF General Revenue Fund \$ 1,863,028 \$ 1,967,275 70396

General Services Fund Group 70397

4M6 146-601 Operating Expenses \$ 527,543 \$ 477,543 70398

TOTAL GSF General Services				70399
Fund Group	\$	527,543	\$ 477,543	70400
TOTAL ALL BUDGET FUND GROUPS	\$	2,390,571	\$ 2,444,818	70401

**Section 289.10. EXP OHIO EXPOSITIONS COMMISSION** 70403

General Revenue Fund				70404
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	70405
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	70406
State Special Revenue Fund Group				70407
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	70408
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	70409
640 723-603 State Fair Reserve	\$	125,337	\$ 0	70410
TOTAL SSR State Special Revenue				70411
Fund Group	\$	14,288,652	\$ 14,163,315	70412
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	70413

**STATE FAIR RESERVE** 70414

The foregoing appropriation item 723-603, State Fair Reserve, 70415  
shall serve as a budget reserve fund for the Ohio Expositions 70416  
Commission in the event of a significant decline in attendance 70417  
because of inclement weather or extraordinary circumstances during 70418  
the Ohio State Fair resulting in a loss of revenue. The State Fair 70419  
Reserve Fund (Fund 640) may be used by the Ohio Expositions 70420  
Commission to pay bills resulting from the Ohio State Fair only if 70421  
all the following criteria are met: 70422

(A) Admission revenues for the 2007 Ohio State Fair are less 70423  
than \$2,025,000 or the admission revenues for the 2008 Ohio State 70424  
Fair are less than \$2,065,000 because of inclement weather or 70425  
extraordinary circumstances. These amounts are ninety per cent of 70426  
the projected revenues for each year. 70427

(B) The Ohio Expositions Commission declares a state of 70428

fiscal exigency and requests release of funds from the Director of Budget and Management. 70429  
70430

(C) The Director of Budget and Management releases the funds. 70431  
The Director of Budget and Management may approve or disapprove 70432  
the request for release of funds, may increase or decrease the 70433  
amount of release, and may place conditions as the Director 70434  
considers necessary on the use of the released funds. The Director 70435  
of Budget and Management may transfer the appropriation from 70436  
fiscal year 2008 to fiscal year 2009 as needed. 70437

In the event that the Ohio Expositions Commission faces a 70438  
temporary cash shortage that will preclude it from meeting current 70439  
obligations, the Commission may request the Director of Budget and 70440  
Management to approve use of the State Fair Reserve Fund (Fund 70441  
640) to meet those obligations. The request shall include a plan 70442  
describing how the Commission will eliminate the cash shortage. If 70443  
the Director of Budget and Management approves the expenditures, 70444  
the Commission shall reimburse the State Fair Reserve Fund (Fund 70445  
640) by the thirtieth day of June of that same fiscal year through 70446  
an intrastate transfer voucher. The amount reimbursed is hereby 70447  
appropriated. 70448

**Section 291.10.** GOV OFFICE OF THE GOVERNOR 70449

General Revenue Fund 70450

GRF 040-321 Operating Expenses \$ 3,754,045 \$ 3,754,045 70451

GRF 040-403 Federal Relations \$ 435,443 \$ 435,443 70452

GRF 040-408 Office of Veterans' \$ 287,000 \$ 298,000 70453

Affairs

TOTAL GRF General Revenue Fund \$ 4,476,488 \$ 4,487,488 70454

General Services Fund Group 70455

5AK 040-607 Federal Relations \$ 365,149 \$ 365,149 70456

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 70457

Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$	4,852,637	70458	
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR					70459	
The Governor may expend a portion of the foregoing					70460	
appropriation item 040-321, Operating Expenses, to hire or appoint					70461	
legal counsel to be used in proceedings involving the Governor in					70462	
the Governor's official capacity or the Governor's office only,					70463	
without the approval of the Attorney General, notwithstanding					70464	
sections 109.02 and 109.07 of the Revised Code.					70465	
FEDERAL RELATIONS					70466	
A portion of the foregoing appropriation items 040-403,					70467	
Federal Relations, and 040-607, Federal Relations, may be used to					70468	
support Ohio's membership in national or regional associations.					70469	
The Office of the Governor may charge any state agency of the					70470	
executive branch using an intrastate transfer voucher such amounts					70471	
necessary to defray the costs incurred for the conduct of federal					70472	
relations associated with issues that can be attributed to the					70473	
agency. Amounts collected shall be deposited to the Office of the					70474	
Governor Federal Relations Fund (Fund 5AK).					70475	
<b>Section 293.10. DOH DEPARTMENT OF HEALTH</b>					70476	
General Revenue Fund					70477	
GRF 440-407	Animal Borne Disease	\$	2,327,101	\$	2,327,101	70478
	and Prevention					
GRF 440-412	Cancer Incidence	\$	1,002,619	\$	1,002,619	70479
	Surveillance System					
GRF 440-413	Local Health	\$	3,786,794	\$	3,786,794	70480
	Department Support					
GRF 440-416	Child and Family	\$	9,522,874	\$	9,622,874	70481
	Health Services					
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	70482

GRF 440-425	Abstinence Education	\$	500,000	\$	500,000	70483
GRF 440-431	Free Clinic Liability Insurance	\$	250,000	\$	250,000	70484
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	70485
GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	70486
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	70487
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	70488
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	70489
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	70490
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	70491
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	70492
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	70493
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	70494
GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	70495
TOTAL GRF	General Revenue Fund	\$	77,299,699	\$	85,371,084	70496
	General Services Fund Group					70497
142	440-646 Agency Health Services	\$	3,461,915	\$	3,461,915	70498
211	440-613 Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	70499
473	440-622 Lab Operating Expenses	\$	4,954,045	\$	4,954,045	70500
683	440-633 Employee Assistance Program	\$	1,208,214	\$	1,208,214	70501
698	440-634 Nurse Aide Training	\$	170,000	\$	170,000	70502

TOTAL GSF General Services				70503
Fund Group	\$	38,678,881	\$ 38,678,881	70504
Federal Special Revenue Fund Group				70505
320 440-601 Maternal Child Health	\$	30,666,635	\$ 30,666,635	70506
Block Grant				
387 440-602 Preventive Health	\$	7,826,659	\$ 7,826,659	70507
Block Grant				
389 440-604 Women, Infants, and	\$	230,077,451	\$ 230,077,451	70508
Children				
391 440-606 Medicaid/Medicare	\$	24,850,959	\$ 24,850,959	70509
392 440-618 Federal Public Health	\$	136,778,215	\$ 136,778,215	70510
Programs				
TOTAL FED Federal Special Revenue				70511
Fund Group	\$	430,199,919	\$ 430,199,919	70512
State Special Revenue Fund Group				70513
4D6 440-608 Genetics Services	\$	3,317,000	\$ 3,317,000	70514
4F9 440-610 Sickle Cell Disease	\$	1,035,344	\$ 1,035,344	70515
Control				
4G0 440-636 Heirloom Birth	\$	5,000	\$ 5,000	70516
Certificate				
4G0 440-637 Birth Certificate	\$	5,000	\$ 5,000	70517
Surcharge				
4L3 440-609 Miscellaneous Expenses	\$	446,468	\$ 446,468	70518
4T4 440-603 Child Highway Safety	\$	233,894	\$ 233,894	70519
4V6 440-641 Save Our Sight	\$	1,767,994	\$ 1,767,994	70520
470 440-647 Fee Supported Programs	\$	27,996,243	\$ 25,905,140	70521
471 440-619 Certificate of Need	\$	869,000	\$ 898,000	70522
477 440-627 Medically Handicapped	\$	3,693,016	\$ 3,693,016	70523
Children Audit				
5B5 440-616 Quality, Monitoring,	\$	838,479	\$ 838,479	70524
and Inspection				
5CB 440-640 Poison Control Centers	\$	150,000	\$ 150,000	70525

5CN	440-645	Choose Life	\$	75,000	\$	75,000	70526
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	70527
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	70528
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	70529
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	70530
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	70531
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	70532
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	70533
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	70534
TOTAL SSR State Special Revenue							70535
Fund Group			\$	74,910,263	\$	57,569,973	70536
Holding Account Redistribution Fund Group							70537
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	70538
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	70539
TOTAL 090 Holding Account							70540
Redistribution Fund Group			\$	90,000	\$	90,000	70541
TOTAL ALL BUDGET FUND GROUPS			\$	621,178,762	\$	611,909,857	70542

**Section 293.20. CHILD AND FAMILY HEALTH SERVICES** 70544

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,700,000 in each fiscal year shall be used for women's health services. 70545  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$270,000 shall be used in each 70548  
70549



fiscal year for the OPTIONS dental care access program. 70550

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$1,900,000 in fiscal year 2008 and \$2,150,000 in fiscal year 2009 shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons. 70551  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cleveland, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cincinnati, \$10,000 shall be allocated in each fiscal year to the Jewish Family Services in Columbus, and \$10,000 in each fiscal year shall be allocated to the Wexner Heritage Village in Columbus for interpreters for health care. 70556  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be provided to the Jewish Family Services in Dayton, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Akron, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Sylvania, \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Youngstown, and \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Canton. 70564  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$16,667 in each fiscal year shall be allocated to the Yassenoff Jewish Community Center, \$16,667 in each fiscal year shall be allocated to the Jewish Community Center in Cincinnati, and \$16,666 in each fiscal year shall be allocated to the Jewish Community Center in Cleveland for children's health and nutrition camp programs. 70573  
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Of the foregoing appropriation item 440-416, Child and Family 70580

Health Services, \$16,666 in each fiscal year shall be allocated to 70581  
the Athens Community Center. 70582

Of the foregoing appropriation item 400-416, Child and Family 70583  
Health Services, \$25,000 in each fiscal year shall be allocated to 70584  
the Wellness Community of Greater Columbus to provide support 70585  
services for people with cancer, their families, and caregivers. 70586

Of the foregoing appropriation item 440-416, Child and Family 70587  
Health Services, \$100,000 in each fiscal year shall be allocated 70588  
to the Compdrug Teen Dating Violence Prevention Project in 70589  
Franklin County. 70590

Of the foregoing appropriation item, 440-416, Child and 70591  
Family Health Services, \$2,500,000 in each fiscal year shall be 70592  
used for breast and cervical cancer screenings and services as 70593  
permitted under the National Breast and Cervical Cancer Early 70594  
Detection Project. 70595

**Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT** 70596  
PROGRAM 70597

(A) As used in this section, "institution of higher 70598  
education" means a public or private university or college in this 70599  
state, including a community college or state community college. 70600

(B) The Director of Health shall conduct a pilot program in 70601  
fiscal year 2009 for the purpose of awarding grants to up to four 70602  
institutions of higher education to establish and operate on a 70603  
selected institution's campus an office that provides support to 70604  
students who are pregnant or who are the parents or legal 70605  
guardians of one or more minors. Planning for the pilot program 70606  
shall commence in fiscal year 2008. 70607

(C) An institution of higher education may apply for a grant 70608  
by completing and submitting an application form supplied by the 70609  
Director. The Director may require the institution to submit 70610

additional information after the Director has reviewed the 70611  
application. 70612

(D) Before awarding a grant, the Director shall secure a 70613  
written agreement in which the proposed grantee commits to doing 70614  
all of the following: 70615

(1) Locating the office described in division (B) of this 70616  
section on the campus of the institution. 70617

(2) Assessing the institution's performance in both of the 70618  
following areas: 70619

(a) Offering health insurance plans to students that include 70620  
coverage for prenatal and postpartum care and riders for the 70621  
coverage of additional family members; 70622

(b) Providing services or items that meet the needs of 70623  
students who are pregnant or who are the parents or legal 70624  
guardians of one or more minors, including family housing, child 70625  
care, flexible or alternative academic scheduling, education 70626  
concerning responsible parenting and healthy marriages, maternity 70627  
and infant clothing, formula and baby food, and baby furniture. 70628

(3) Identifying and establishing programs with public and 70629  
private service providers located on campus and in the local 70630  
community that are qualified to meet the needs described in 70631  
division (D)(2)(b) of this section. 70632

(4) Assisting students in locating and obtaining services 70633  
that meet the needs described in division (D)(2)(b) of this 70634  
section. 70635

(5) Providing, on the request of an individual student, 70636  
referrals for prenatal care and delivery, infant or foster care, 70637  
or adoption. The office shall make referrals only to persons or 70638  
governmental entities that primarily serve parents, prospective 70639  
parents awaiting adoption, pregnant women who plan to parent or 70640

place a child for adoption, or married couples or couples that 70641  
plan on marrying in order to provide a supportive environment for 70642  
each other and one or more minors. 70643

(6) Providing, by a date determined by the Director, a 70644  
written report to the Director that itemizes the office's 70645  
expenditures during the fiscal year and meets the format or form 70646  
established by the Director under division (E) of this section. 70647

(7) Providing, after the Director's review of the report 70648  
described in division (D)(6) of this section, any additional 70649  
information requested by the Director. 70650

(E) The Director shall establish a format or form for the 70651  
written report that must be provided by an institution under 70652  
division (D)(6) of this section. In establishing the format or 70653  
form, the Director shall identify specific performance criteria 70654  
the institution must address in the report. 70655

(F) The Director may adopt any rules necessary to implement 70656  
this section. The rules shall be adopted in accordance with 70657  
Chapter 119. of the Revised Code. 70658

(G) Of the foregoing appropriation item 440-416, Child and 70659  
Family Health Services, \$50,000 in fiscal year 2009 shall be used 70660  
to make grants for the pilot program described in this section. 70661

**Section 293.27.** As used in this section, "federally qualified 70662  
health center" means a health center that receives a federal 70663  
public health services grant under the "Public Health Services 70664  
Act," 117 Stat. 2020, 42 U.S.C. 254b, as amended, or another 70665  
health center designated by the U.S. Health Resources and Services 70666  
Administration as a federally qualified health center. 70667

The Department of Health may establish a pilot program to 70668  
place two federally qualified health centers within or adjacent to 70669  
hospital emergency departments. One health center shall be located 70670

in or adjacent to a hospital located in an urban area and one 70671  
health center shall be located in or adjacent to a hospital 70672  
located in a rural area. If the Department establishes the pilot 70673  
program, not later than one year after the health centers become 70674  
operational, the hospital and the health centers shall prepare and 70675  
submit a report to the Governor and the General Assembly regarding 70676  
the number of patients that received care at the health centers 70677  
for nonemergency conditions rather than receiving care at the 70678  
emergency department. 70679

If the Department does not establish the pilot program not 70680  
later than one year after the effective date of this section, the 70681  
Department shall submit a report to the Governor and the General 70682  
Assembly explaining why it did not do so. 70683

**Section 293.30. ABSTINENCE EDUCATION** 70684

The foregoing appropriation item 440-425, Abstinence 70685  
Education, shall be used for abstinence and adoption education. 70686  
The Director of Health shall develop guidelines for the 70687  
establishment of abstinence and adoption education programs for 70688  
teenagers with the purpose of decreasing unplanned pregnancies and 70689  
abortion. The guidelines shall be developed pursuant to Title V of 70690  
the "Social Security Act," 42 U.S.C. 510, and shall include, but 70691  
are not limited to, advertising campaigns and direct training in 70692  
schools and other locations. 70693

**HEALTHY OHIO** 70694

The Department of Health may use \$902,618 in fiscal year 2008 70695  
and \$2,255,553 in fiscal year 2009 in appropriation item 440-437, 70696  
Healthy Ohio, to complete an inventory of prevention and 70697  
intervention programs so that it may better target funding to 70698  
programs to decrease disparities. 70699

Of the foregoing appropriation item 440-437, Healthy Ohio, 70700

\$100,000 in each fiscal year shall be allocated to the Center for Closing Health Gaps to help with disparities in minority health. 70701  
70702

Of the foregoing appropriation item 440-437, Healthy Ohio, 70703  
\$500,000 in each fiscal year shall be used to support 70704  
evidence-based programs for diabetes management and prevention, 70705  
utilizing proven behavior change strategies leading to improved 70706  
levels of routine physical activity and healthy eating habits. The 70707  
program shall provide screening for diabetes, and for those 70708  
determined to be at highest risk for diabetes, education on 70709  
diabetes, diabetes management, physical activity and eating 70710  
habits, and opportunities for monitored physical activity for 70711  
adults and families. Grants shall be provided to, but not limited 70712  
to, the Ohio YMCA State Alliance in collaboration with other 70713  
community organizations. Each program shall include post program 70714  
measurements, including, but not limited to, blood sugar testing, 70715  
participant satisfaction surveys, and participant retention. 70716

HIV/AIDS PREVENTION/TREATMENT 70717

Of the foregoing appropriation item 440-444, AIDS Prevention 70718  
and Treatment, not more than \$6.7 million in each fiscal year 70719  
shall be used to assist persons with HIV/AIDS in acquiring 70720  
HIV-related medications. 70721

INFECTIOUS DISEASE PREVENTION 70722

The foregoing appropriation item 440-446, Infectious Disease 70723  
Prevention, shall be used for the purchase of drugs for sexually 70724  
transmitted diseases. 70725

HELP ME GROW 70726

Of the foregoing appropriation item 440-459, Help Me Grow, 70727  
\$10,423,397 in fiscal year 2008 and \$13,741,847 in fiscal year 70728  
2009 shall be used by the Department of Health to distribute 70729  
subsidies to counties to implement the Help Me Grow Program. 70730  
Appropriation item 440-459, Help Me Grow, may be used in 70731

conjunction with Temporary Assistance for Needy Families from the 70732  
Department of Job and Family Services, Early Intervention funding 70733  
from the Department of Mental Retardation and Developmental 70734  
Disabilities, and in conjunction with other early childhood funds 70735  
and services to promote the optimal development of young children. 70736  
Local contracts shall be developed between local departments of 70737  
job and family services and family and children first councils for 70738  
the administration of TANF funding for the Help Me Grow Program. 70739  
The Department of Health shall enter into an interagency agreement 70740  
with the Department of Education, Department of Mental Retardation 70741  
and Developmental Disabilities, Department of Job and Family 70742  
Services, and Department of Mental Health to ensure that all early 70743  
childhood programs and initiatives are coordinated and school 70744  
linked. 70745

Of the foregoing appropriation item 440-459, Help Me Grow, 70746  
\$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 70747  
shall be used for the establishment of the Autism Diagnosis 70748  
Education Pilot Program. Not later than December 31, 2008, the 70749  
Director of Health shall compile and submit to the Governor and 70750  
the General Assembly a written report describing the action taken 70751  
under the Autism Diagnosis Education Pilot Program since the 70752  
effective date of this section. Not later than December 31, 2009, 70753  
the Director shall compile and submit to the Governor and the 70754  
General Assembly a written report describing the action taken 70755  
under the Pilot Program since December 31, 2008. 70756

**TARGETED HEALTH CARE SERVICES OVER 21** 70757

In each fiscal year, of the foregoing appropriation item 70758  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 70759  
used to administer the cystic fibrosis program and implement the 70760  
Hemophilia Insurance Premium Payment Program. These funds also may 70761  
be used, to the extent that funding is available, to provide up to 70762  
18 in-patient hospital days for participants in the cystic 70763

fibrosis program. The Department shall expend all of these 70764  
earmarked funds. 70765

Of the foregoing appropriation item 440-507, Targeted Health 70766  
Care Services Over 21, \$900,000 in each fiscal year shall be used 70767  
to provide essential medications and to pay the copayments for 70768  
drugs approved by the Department of Health and covered by Medicare 70769  
Part D that are dispensed to Bureau for Children with Medical 70770  
Handicaps (BCMH) participants for the cystic fibrosis program. 70771  
These funds also may be used, to the extent that funding is 70772  
available, to provide up to 18 in-patient hospital days for 70773  
participants in the cystic fibrosis program. The Department shall 70774  
expend all of these earmarked funds. 70775

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 70776

The foregoing appropriation item 440-511, Uncompensated Care 70777  
and Emergency Medical Assistance, shall be used to fund programs 70778  
that provide health care without ability to pay. This is not an 70779  
entitlement program and services are offered only to the extent 70780  
that funding is available. 70781

MATERNAL CHILD HEALTH BLOCK GRANT 70782

Of the foregoing appropriation item 440-601, Maternal Child 70783  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 70784  
fiscal year for the purposes of abstinence and adoption education. 70785  
The Director of Health shall develop guidelines for the 70786  
establishment of abstinence and adoption education programs for 70787  
teenagers with the purpose of decreasing unplanned pregnancies and 70788  
abortion. The guidelines shall be developed under Title V of the 70789  
"Social Security Act," 42 U.S.C. 510, and shall include, but are 70790  
not limited to, advertising campaigns and direct training in 70791  
schools and other locations. 70792

GENETICS SERVICES 70793

The foregoing appropriation item 440-608, Genetics Services 70794



(Fund 4D6), shall be used by the Department of Health to 70795  
administer programs authorized by sections 3701.501 and 3701.502 70796  
of the Revised Code. None of these funds shall be used to counsel 70797  
or refer for abortion, except in the case of a medical emergency. 70798

FEE SUPPORTED PROGRAMS 70799

Of the foregoing appropriation item 440-647, Fee Supported 70800  
Programs (Fund 470), \$50,000 in fiscal year 2008 shall be used by 70801  
the Department to enter into a contract to make hospital 70802  
performance information available on a web site as required in 70803  
section 3727.391 of the Revised Code. 70804

MEDICALLY HANDICAPPED CHILDREN AUDIT 70805

The Medically Handicapped Children Audit Fund (Fund 477) 70806  
shall receive revenue from audits of hospitals and recoveries from 70807  
third-party payers. Moneys may be expended for payment of audit 70808  
settlements and for costs directly related to obtaining recoveries 70809  
from third-party payers and for encouraging Medically Handicapped 70810  
Children's Program recipients to apply for third-party benefits. 70811  
Moneys also may be expended for payments for diagnostic and 70812  
treatment services on behalf of medically handicapped children, as 70813  
defined in division (A) of section 3701.022 of the Revised Code, 70814  
and Ohio residents who are twenty-one or more years of age and who 70815  
are suffering from cystic fibrosis or hemophilia. Moneys may also 70816  
be expended for administrative expenses incurred in operating the 70817  
Medically Handicapped Children's Program. 70818

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 70819  
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 70820

Notwithstanding section 3737.71 of the Revised Code, on July 70821  
1, 2007, or as soon as possible thereafter, the Director of Budget 70822  
and Management shall transfer \$150,000 cash from the State Fire 70823  
Marshal's Fund (Fund 546) in the Department of Commerce to the 70824  
Poison Control Fund (Fund 5CB) in the Department of Health. 70825

Notwithstanding section 3737.71 of the Revised Code, on July 1, 70826  
2008, or as soon as possible thereafter, the Director of Budget 70827  
and Management shall transfer \$150,000 cash from the State Fire 70828  
Marshal's Fund (Fund 546) in the Department of Commerce to the 70829  
Poison Control Fund (Fund 5CB) in the Department of Health. 70830

POISON CONTROL CENTERS 70831

Of the foregoing appropriation item 440-640, Poison Control 70832  
Centers, in each fiscal year, the poison control centers in the 70833  
municipal corporations of Cleveland, Cincinnati, and Columbus 70834  
shall each receive an allocation of \$50,000. 70835

SEWAGE TREATMENT SYSTEM INNOVATION 70836

Any revenues deposited to the credit of the Sewage Treatment 70837  
System Innovation Fund (Fund 5CJ) in accordance with Section 70838  
120.02 of this act are hereby appropriated to appropriation item 70839  
440-654, Sewage Treatment System Innovation, in the fiscal year in 70840  
which the revenues are received. On July 1, 2008, or as soon as 70841  
possible thereafter, the Department of Health shall certify to the 70842  
Director of Budget and Management the total fiscal year 2008 70843  
unencumbered appropriations in appropriation item 440-654, Sewage 70844  
Treatment System Innovation. The Department of Health may direct 70845  
the Director of Budget and Management to transfer an amount not to 70846  
exceed the total fiscal year 2008 unencumbered appropriations to 70847  
fiscal year 2009 for use in appropriation item 440-654, Sewage 70848  
Treatment System Innovation. Additional appropriation authority 70849  
equal to the amount certified by the Department of Health is 70850  
hereby appropriated to appropriation item 440-654, Sewage 70851  
Treatment System Innovation, in fiscal year 2009. 70852

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 70853  
PERMIT FUND 70854

The Director of Budget and Management, pursuant to a plan 70855  
submitted by the Department of Health, or as otherwise determined 70856

by the Director of Budget and Management, shall set a schedule to 70857  
transfer cash from the Liquor Control Fund (Fund 043) to the 70858  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 70859  
needs of the Alcohol Testing and Permit program. 70860

The Director of Budget and Management shall transfer to the 70861  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 70862  
Fund (Fund 043) created in section 4301.12 of the Revised Code 70863  
such amounts at such times as determined by the transfer schedule. 70864

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 70865

The foregoing appropriation item 440-607, Medically 70866  
Handicapped Children - County Assessments (Fund 666), shall be 70867  
used to make payments under division (E) of section 3701.023 of 70868  
the Revised Code. 70869

**Section 293.35. HEALTHY OHIO ASSESSMENT** 70870

(A) The Department of Health, through the Healthy Ohio 70871  
program, shall conduct a formal assessment of the Department and 70872  
the Departments of Job and Family Services, Aging, Alcohol and 70873  
Drug Addiction Services, Mental Retardation and Developmental 70874  
Disabilities, Mental Health, Rehabilitation and Correction, and 70875  
Youth Services to determine their efforts to improve positive 70876  
health outcomes. 70877

As part of the assessment required by this section, the 70878  
Department of Health shall assess current practices and offer 70879  
recommendations for improvements in the following areas: 70880

(1) Specific interventions provided to improve outcomes 70881  
measured on an individual basis, including measures taken to 70882  
identify those in need of care, coordinate their care, and provide 70883  
direct service interventions. 70884

(2) Cost of the care provided per individual served each 70885  
fiscal year, including administrative and infrastructure costs; 70886

(3) How money is tied to specific work completion with a 70887  
basis for positive impact and positive outcomes and steps each 70888  
department is making to ensure the people most at-risk receive the 70889  
interventions; 70890

(4) Strategies used in each department to eliminate service 70891  
duplication, especially in the area of care coordination. 70892

(B) As part of its assessment, the Department of Health shall 70893  
consult with associations representing health care providers, 70894  
business interests, consumer advocates, insurance companies, and 70895  
other interested parties affected by improved outcomes funding 70896  
models. 70897

(C) The Department of Health shall produce written reports of 70898  
its assessment based on the areas of review listed in division (A) 70899  
of this section. The Department may collaborate with one or more 70900  
of the interested parties named in division (B) of this section 70901  
with substantial experience in the areas the Department is 70902  
required to assess. The report shall be submitted to the Governor, 70903  
the Speaker of the House of Representatives, the Minority Leader 70904  
of the House of Representatives, the President of the Senate, and 70905  
the Minority Leader of the Senate. 70906

The Department shall submit its first report of the 70907  
assessment not later than February 1, 2008. The Department shall 70908  
submit its final report of the assessment not later than January 70909  
1, 2009. 70910

**Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM** 70911

The Director of Budget and Management shall transfer, on July 70912  
1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 70913  
Resident Protection Fund, in the Ohio Department of Job and Family 70914  
Services, to Fund 5L1, Nursing Facility Technical Assistance 70915  
Program Fund, in the Ohio Department of Health, to be used under 70916

section 3721.026 of the Revised Code. The transfers shall equal 70917  
\$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 70918

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 70919  
AGENCY HEALTH SERVICES FUND 70920

As soon as possible on or after July 1, 2007, the Director of 70921  
Health shall certify to the Director of Budget and Management the 70922  
amount of cash to be transferred from the Federal Public Health 70923  
Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 70924  
142) to meet the operating needs of the Vital Statistics Program. 70925  
The Director of Budget and Management shall transfer the amount 70926  
certified. 70927

**Section 293.50.** TASK FORCE TO STUDY CANCER DEATH RATES AMONG 70928  
AFRICAN AMERICANS IN OHIO 70929

(A) There is hereby created in the Department of Health the 70930  
Task Force to Study Cancer Death Rates Among African Americans in 70931  
Ohio. Members of the task force shall include: 70932

(1) The directors of the following institutions or the 70933  
directors' designees: 70934

(a) The Cleveland Clinic Taussig Cancer Center; 70935

(b) The Case Comprehensive Cancer Center; 70936

(c) The Ohio State University Comprehensive Cancer Center; 70937

(d) The University Hospitals of Cleveland; 70938

(e) The University of Cincinnati. 70939

(2) The following individuals: 70940

(a) A representative of the American Cancer Society selected 70941  
by the governing body of that society; 70942

(b) The President of the Cleveland Medical Association or the 70943  
President's designee; 70944

(c) Two additional members appointed by the Director of Health. 70945  
 70946

(B) The members of the Task Force shall choose two co-chairpersons from among the members of the Task Force. 70947  
 70948

Not later than one year after the effective date of this section the Task Force shall submit a report to the members of the General Assembly identifying root causes and proposed solutions to the problem that the cancer death rate among African Americans in Ohio is thirty-two per cent higher than the cancer death rate among Caucasians in Ohio. On submitting the report, the Task Force shall cease to exist. 70949  
 70950  
 70951  
 70952  
 70953  
 70954  
 70955

**Section 295.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 70956

Agency Fund Group 70957

461 372-601 Operating Expenses	\$	16,819	\$	16,819	70958
TOTAL AGY Agency Fund Group	\$	16,819	\$	16,819	70959
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$	16,819	70960

**Section 297.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 70962

General Revenue Fund 70963

GRF 148-100 Personal Services	\$	160,121	\$	167,156	70964
GRF 148-200 Maintenance	\$	40,000	\$	40,000	70965
GRF 148-402 Community Projects	\$	500,000	\$	500,000	70966
TOTAL GRF General Revenue Fund	\$	700,121	\$	707,156	70967

General Services Fund Group 70968

601 148-602 Gifts and Miscellaneous	\$	20,000	\$	20,000	70969
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TOTAL GSF General Services 70970

Fund Group	\$	20,000	\$	20,000	70971
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$	727,156	70972

**Section 299.10. OHS OHIO HISTORICAL SOCIETY** 70974

General Revenue Fund				70975
GRF 360-501 Operating Subsidy	\$	3,649,244	\$ 3,649,252	70976
GRF 360-502 Site and Museum Operations	\$	8,501,781	\$ 8,501,788	70977
GRF 360-504 Ohio Preservation Office	\$	417,516	\$ 415,381	70978
GRF 360-505 National Afro-American Museum	\$	754,884	\$ 754,884	70979
GRF 360-506 Hayes Presidential Center	\$	514,323	\$ 514,323	70980
GRF 360-508 State Historical Grants	\$	853,000	\$ 775,000	70981
TOTAL GRF General Revenue Fund	\$	14,690,748	\$ 14,610,628	70982
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$ 14,610,628	70983

SUBSIDY APPROPRIATION 70984

Upon approval by the Director of Budget and Management, the 70985  
foregoing appropriation items shall be released to the Ohio 70986  
Historical Society in quarterly amounts that in total do not 70987  
exceed the annual appropriations. The funds and fiscal records of 70988  
the society for fiscal years 2008 and 2009 shall be examined by 70989  
independent certified public accountants approved by the Auditor 70990  
of State, and a copy of the audited financial statements shall be 70991  
filed with the Office of Budget and Management. The society shall 70992  
prepare and submit to the Office of Budget and Management the 70993  
following: 70994

(A) An estimated operating budget for each fiscal year of the 70995  
biennium. The operating budget shall be submitted at or near the 70996  
beginning of each calendar year. 70997

(B) Financial reports, indicating actual receipts and 70998  
expenditures for the fiscal year to date. These reports shall be 70999  
filed at least semiannually during the fiscal biennium. 71000

The foregoing appropriations shall be considered to be the 71001  
contractual consideration provided by the state to support the 71002  
state's offer to contract with the Ohio Historical Society under 71003  
section 149.30 of the Revised Code. 71004

STATE ARCHIVES 71005

Of the foregoing appropriation item 360-501, Operating 71006  
Subsidy, \$300,000 in each fiscal year shall be used for the State 71007  
Archives, Library, and Artifact Collections program. 71008

HAYES PRESIDENTIAL CENTER 71009

If a United States government agency, including, but not 71010  
limited to, the National Park Service, chooses to take over the 71011  
operations or maintenance of the Hayes Presidential Center, in 71012  
whole or in part, the Ohio Historical Society shall make 71013  
arrangements with the National Park Service or other United States 71014  
government agency for the efficient transfer of operations or 71015  
maintenance. 71016

HISTORICAL GRANTS 71017

Of the foregoing appropriation item 360-508, State Historical 71018  
Grants, \$60,000 in fiscal year 2008 shall be distributed to the 71019  
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 71020  
distributed to the Center for Holocaust and Humanity Education 71021  
located at the Hebrew Union College-Jewish Institute of Religion 71022  
in Cincinnati, \$350,000 in each fiscal year shall be distributed 71023  
to the Western Reserve Historical Society, \$350,000 in each fiscal 71024  
year shall be distributed to the Cincinnati Museum Center, and up 71025  
to \$18,000 in fiscal year 2008 shall be distributed to the 71026  
Muskingum River Underground Railroad Historic Marker Project. 71027

PROCESSING FEES 71028

The Ohio Historical Society shall not charge or retain an 71029  
administrative, service, or processing fee for distributing money 71030



that the General Assembly appropriates to the Society for grants 71031  
or subsidies that the Society provides to other entities for their 71032  
site-related programs. 71033

**Section 301.10.** REP OHIO HOUSE OF REPRESENTATIVES 71034

General Revenue Fund 71035

GRF 025-321 Operating Expenses \$ 20,574,568 \$ 20,574,568 71036

TOTAL GRF General Revenue Fund \$ 20,574,568 \$ 20,574,568 71037

General Services Fund Group 71038

103 025-601 House Reimbursement \$ 1,433,664 \$ 1,433,664 71039

4A4 025-602 Miscellaneous Sales \$ 37,849 \$ 37,849 71040

TOTAL GSF General Services 71041

Fund Group \$ 1,471,513 \$ 1,471,513 71042

TOTAL ALL BUDGET FUND GROUPS \$ 22,046,081 \$ 22,046,081 71043

OPERATING EXPENSES 71044

On July 1, 2007, or as soon as possible thereafter, the Chief 71045

Administrative Officer of the House of Representatives shall 71046

certify to the Director of Budget and Management the total fiscal 71047

year 2007 unencumbered appropriations in appropriation item 71048

025-321, Operating Expenses. The Chief Administrative Officer may 71049

direct the Director of Budget and Management to transfer an amount 71050

not to exceed the total fiscal year 2007 unencumbered 71051

appropriations to fiscal year 2008 for use within appropriation 71052

item 025-321, Operating Expenses. Additional appropriation 71053

authority equal to the amount certified by the Chief 71054

Administrative Officer is hereby appropriated to appropriation 71055

item 025-321, Operating Expenses, in fiscal year 2008. 71056

On July 1, 2008, or as soon as possible thereafter, the Chief 71057

Administrative Officer of the House of Representatives shall 71058

certify to the Director of Budget and Management the total fiscal 71059

year 2008 unencumbered appropriations in appropriation item 71060

025-321, Operating Expenses. The Chief Administrative Officer may 71061  
direct the Director of Budget and Management to transfer an amount 71062  
not to exceed the total fiscal year 2008 unencumbered 71063  
appropriations to fiscal year 2009 for use within appropriation 71064  
item 025-321, Operating Expenses. Additional appropriation 71065  
authority equal to the amount certified by the Chief 71066  
Administrative Officer is hereby appropriated to appropriation 71067  
item 025-321, Operating Expenses, in fiscal year 2009. 71068

**Section 303.10. HFA OHIO HOUSING FINANCE AGENCY** 71069

Agency Fund Group 71070

5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 71071

Personal Services

TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 71072

TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 71073

**Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL** 71075

General Revenue Fund 71076

GRF 965-321 Operating Expenses \$ 1,367,372 \$ 1,437,901 71077

TOTAL GRF General Revenue Fund \$ 1,367,372 \$ 1,437,901 71078

General Services Fund Group 71079

4Z3 965-602 Special Investigations \$ 425,000 \$ 425,000 71080

TOTAL GSF General Services Fund \$ 425,000 \$ 425,000 71081

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,792,372 \$ 1,862,901 71082

**Section 307.10. INS DEPARTMENT OF INSURANCE** 71084

Federal Special Revenue Fund Group 71085

3U5 820-602 OSHIIP Operating Grant \$ 1,100,000 \$ 1,100,000 71086

TOTAL FED Federal Special 71087

Revenue Fund Group \$ 1,100,000 \$ 1,100,000 71088

State Special Revenue Fund Group 71089

554	820-601	Operating Expenses -	\$	553,750	\$	569,269	71090
		OSHIIP					
554	820-606	Operating Expenses	\$	23,350,236	\$	23,802,797	71091
555	820-605	Examination	\$	7,639,581	\$	7,868,768	71092
		TOTAL SSR State Special Revenue					71093
		Fund Group	\$	31,543,567	\$	32,240,834	71094
		TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	71095

MARKET CONDUCT EXAMINATION 71096

When conducting a market conduct examination of any insurer 71097  
doing business in this state, the Superintendent of Insurance may 71098  
assess the costs of the examination against the insurer. The 71099  
superintendent may enter into consent agreements to impose 71100  
administrative assessments or fines for conduct discovered that 71101  
may be violations of statutes or rules administered by the 71102  
superintendent. All costs, assessments, or fines collected shall 71103  
be deposited to the credit of the Department of Insurance 71104  
Operating Fund (Fund 554). 71105

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 71106

The Director of Budget and Management, at the request of the 71107  
Superintendent of Insurance, may transfer funds from the 71108  
Department of Insurance Operating Fund (Fund 554), established by 71109  
section 3901.021 of the Revised Code, to the Superintendent's 71110  
Examination Fund (Fund 555), established by section 3901.071 of 71111  
the Revised Code, only for expenses incurred in examining domestic 71112  
fraternal benefit societies as required by section 3921.28 of the 71113  
Revised Code. 71114

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 71115

Not later than the thirty-first day of July each fiscal year, 71116  
the Director of Budget and Management shall transfer \$5,000,000 71117  
from the Department of Insurance Operating Fund to the General 71118  
Revenue Fund. 71119

<b>Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>			71120
General Revenue Fund			71121
GRF 600-321 Support Services			71122
State	\$ 50,785,978	\$ 52,571,413	71123
Federal	\$ 10,460,286	\$ 11,290,237	71124
Support Services Total	\$ 61,246,264	\$ 63,861,650	71125
GRF 600-410 TANF State	\$ 272,619,061	\$ 272,619,061	71126
GRF 600-413 Child Care	\$ 84,120,596	\$ 84,120,596	71127
Match/Maintenance of Effort			
GRF 600-416 Computer Projects			71128
State	\$ 115,383,181	\$ 116,419,033	71129
Federal	\$ 21,488,920	\$ 21,192,117	71130
Computer Projects Total	\$ 136,872,101	\$ 137,611,150	71131
GRF 600-417 Medicaid Provider Audits	\$ 2,000,000	\$ 2,000,000	71132
GRF 600-420 Child Support Administration	\$ 8,541,446	\$ 10,641,446	71133
GRF 600-421 Office of Family Stability	\$ 4,614,932	\$ 4,614,932	71134
GRF 600-423 Office of Children and Families	\$ 5,650,000	\$ 5,900,000	71135
GRF 600-425 Office of Ohio Health Plans			71136
State	\$ 22,500,000	\$ 22,500,000	71137
Federal	\$ 23,324,848	\$ 23,418,368	71138
Office of Ohio Health Plans Total	\$ 45,824,848	\$ 45,918,368	71139
GRF 600-502 Administration - Local	\$ 34,014,103	\$ 34,014,103	71140
GRF 600-511 Disability Financial Assistance	\$ 22,128,480	\$ 25,335,908	71141
GRF 600-512 Non-TANF Disaster	\$ 1,000,000	\$ 1,000,000	71142

	Assistance				
GRF 600-521	Entitlement	\$ 130,000,000	\$ 130,000,000	71143	
	Administration - Local				
GRF 600-523	Children and Families	\$ 78,115,135	\$ 78,115,135	71144	
	Services				
GRF 600-525	Health Care/Medicaid			71145	
	State	\$ 3,420,852,719	\$ 3,547,124,242	71146	
	Federal	\$ 5,208,659,435	\$ 5,714,381,823	71147	
	Health Care Total	\$ 8,629,512,154	\$ 9,261,506,065	71148	
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640	71149	
GRF 600-528	Adoption Services			71150	
	State	\$ 37,520,466	\$ 43,978,301	71151	
	Federal	\$ 41,304,043	\$ 49,196,065	71152	
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366	71153	
GRF 600-534	Adult Protective	\$ 500,000	\$ 500,000	71154	
	Services				
TOTAL GRF	General Revenue Fund			71155	
	State	\$ 4,544,743,498	\$ 4,703,308,810	71156	
	Federal	\$ 5,305,237,532	\$ 5,819,478,610	71157	
	GRF Total	\$ 9,849,981,030	\$10,522,787,420	71158	
	General Services Fund Group			71159	
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794	71160	
	Collections				
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	71161	
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304	71162	
	Assessment				
5C9 600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048	71163	
	Support				
5DL 600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844	71164	
	Collections				
5N1 600-677	County Technologies	\$ 1,000,000	\$ 1,000,000	71165	
5P5 600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000	71166	
613 600-645	Training Activities	\$ 135,000	\$ 135,000	71167	

TOTAL GSF General Services				71168
Fund Group	\$	463,594,635	\$ 448,936,964	71169
Federal Special Revenue Fund Group				71170
3AW 600-675 Faith Based Initiatives	\$	1,000,000	\$ 1,000,000	71171
3A2 600-641 Emergency Food Distribution	\$	2,900,000	\$ 3,500,000	71172
3D3 600-648 Children's Trust Fund Federal	\$	2,040,524	\$ 2,040,524	71173
3F0 600-623 Health Care Federal	\$	1,209,188,383	\$ 1,211,196,561	71174
3F0 600-650 Hospital Care Assurance Match	\$	343,239,047	\$ 343,239,047	71175
3G5 600-655 Interagency Reimbursement	\$	1,469,763,073	\$ 1,513,855,965	71176
3H7 600-617 Child Care Federal	\$	207,269,463	\$ 200,167,593	71177
3N0 600-628 IV-E Foster Care Maintenance	\$	153,963,142	\$ 153,963,142	71178
3S5 600-622 Child Support Projects	\$	534,050	\$ 534,050	71179
3V0 600-688 Workforce Investment Act	\$	232,568,453	\$ 233,082,144	71180
3V4 600-678 Federal Unemployment Programs	\$	147,411,858	\$ 152,843,414	71181
3V4 600-679 Unemployment Compensation Review Commission - Federal	\$	3,092,890	\$ 3,191,862	71182
3V6 600-689 TANF Block Grant	\$	1,037,739,200	\$ 1,085,861,099	71183
3W3 600-659 TANF/Title XX Transfer	\$	10,081,377	\$ 6,672,366	71184
327 600-606 Child Welfare	\$	48,514,502	\$ 47,947,309	71185
331 600-686 Federal Operating	\$	53,963,318	\$ 56,263,225	71186
384 600-610 Food Stamps and State Administration	\$	160,237,060	\$ 153,147,118	71187
385 600-614 Refugee Services	\$	10,196,547	\$ 11,057,826	71188
395 600-616 Special	\$	5,723,131	\$ 5,717,151	71189

		Activities/Child and Family Services					
396	600-620	Social Services Block Grant	\$	114,479,464	\$	114,474,085	71190
396	600-651	Second Harvest Food Banks	\$	5,500,000	\$	5,500,000	71191
397	600-626	Child Support	\$	303,661,307	\$	303,538,962	71192
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	71193
TOTAL FED		Federal Special Revenue					71194
Fund Group			\$	5,841,238,957	\$	5,926,277,119	71195
State Special Revenue Fund Group							71196
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	71197
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	71198
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	71199
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	71200
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	71201
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	71202
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	71203
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	71204
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	71205
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	71206
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	71207
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	71208
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	71209

5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	71210
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	71211
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	71212
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	71213
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	71214
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	71215
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	71216
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	71217
TOTAL SSR State Special Revenue							71218
Fund Group			\$	590,002,192	\$	592,160,540	71219
Agency Fund Group							71220
192	600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	71221
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	71222
583	600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	71223
TOTAL AGY Agency Fund Group			\$	128,000,000	\$	128,000,000	71224
Holding Account Redistribution Fund Group							71225
R12	600-643	Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	71226
R13	600-644	Forgery Collections	\$	10,000	\$	10,000	71227
TOTAL 090 Holding Account Redistribution Fund Group			\$	3,610,000	\$	3,610,000	71228
TOTAL ALL BUDGET FUND GROUPS			\$	16,876,426,814	\$	17,621,772,043	71229



<b>Section 309.20. SUPPORT SERVICES</b>	71231
<b>Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES</b>	71232 71233
Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and Community Initiatives.	71234 71235 71236 71237
<b>Section 309.20.15. OPERATIONS INDUSTRIALIZATION CENTERS</b>	71238
Of the foregoing appropriation item 600-321, Support Services, \$75,000 in each fiscal year shall be provided to the Operations Industrialization Centers of Clark County.	71239 71240 71241
<b>Section 309.20.30. AGENCY FUND GROUP</b>	71242
The Agency Fund Group and Holding Account Redistribution Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.	71243 71244 71245 71246 71247 71248
<b>Section 309.30. MEDICAID</b>	71249
<b>Section 309.30.05. ELECTRONIC MEDICAID APPLICATIONS</b>	71250
The Department of Job and Family Services shall assist county departments of job and family services to develop and obtain electronic databases and other necessary systems through a competitive process to comply with section 5111.017 of the Revised Code.	71251 71252 71253 71254 71255
<b>Section 309.30.10. HEALTH CARE/MEDICAID</b>	71256

The foregoing appropriation item 600-525, Health 71257  
Care/Medicaid, shall not be limited by section 131.33 of the 71258  
Revised Code. 71259

**Section 309.30.13. CHILDREN'S HOSPITALS** 71260

(A) As used in this section: 71261

"Children's hospital" means a hospital that primarily serves 71262  
patients eighteen years of age and younger and is excluded from 71263  
Medicare prospective payment in accordance with 42 C.F.R. 71264  
412.23(d). 71265

"Medicaid inpatient cost-to-charge ratio" means the historic 71266  
Medicaid inpatient cost-to-charge ratio applicable to a hospital 71267  
as described in rules adopted by the Director of Job and Family 71268  
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 71269  
Administrative Code. 71270

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 71271  
the Administrative Code and except as provided in division (C) of 71272  
this section, the Director of Job and Family Services shall pay a 71273  
children's hospital that meets the criteria in paragraphs (E)(1) 71274  
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 71275  
cost outlier claim made in fiscal years 2008 and 2009, an amount 71276  
that is the product of the hospital's allowable charges and the 71277  
hospital's Medicaid inpatient cost-to-charge ratio. 71278

(C) The Director of Job and Family Services shall cease 71279  
paying a children's hospital for a cost outlier claim under the 71280  
methodology in division (B) of this section and revert to paying 71281  
the hospital for such a claim according to methodology in 71282  
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 71283  
Administrative Code, as applicable, when the difference between 71284  
the total amount the Director has paid according to the 71285  
methodology in division (B) of this section for such claims and 71286

the total amount the Director would have paid according to the 71287  
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 71288  
the Administrative Code, as the applicable paragraph existed on 71289  
June 30, 2007, for such claims, exceeds the sum of the state funds 71290  
and corresponding federal match earmarked in division (F) of this 71291  
section for the applicable fiscal year. 71292

(D) The Director of Job and Family Services shall make 71293  
supplemental Medicaid payments to hospitals for inpatient services 71294  
under a program modeled after the program the Department of Job 71295  
and Family Services was required to create for fiscal years 2006 71296  
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 71297  
General Assembly if the difference between the total amount the 71298  
Director has paid according to the methodology in division (B) of 71299  
this section for cost outlier claims and the total amount the 71300  
Director would have paid according to the methodology in paragraph 71301  
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 71302  
for such claims, as the applicable paragraph existed on June 30, 71303  
2007, does not require the expenditure of all state and federal 71304  
funds earmarked in division (F) of this section for the applicable 71305  
fiscal year. 71306

(E) The Director of Job and Family Services shall not adopt, 71307  
amend, or rescind any rules that would result in decreasing the 71308  
amount paid to children's hospitals under division (B) of this 71309  
section for cost outlier claims. 71310

(F) Of the foregoing appropriation item, 600-525, Health 71311  
Care/Medicaid, up to \$6 million (state share) in each fiscal year 71312  
plus the corresponding federal match, if available, shall be used 71313  
by the Department to pay the amounts described in division (B) of 71314  
this section. 71315

**Section 309.30.16. MEDICAID RESERVE FUND** 71316

The Medicaid Reserve Fund is hereby created in the state 71317

treasury. 71318

Not later than July 31, 2007, or as soon as possible 71319  
thereafter, the Director of Budget and Management shall transfer, 71320  
for fiscal year 2008, \$120,000,000 in cash from the General 71321  
Revenue Fund to the Medicaid Reserve Fund. 71322

If at any time during fiscal year 2008 the Director of Budget 71323  
and Management determines that additional appropriations are 71324  
needed in appropriation item 600-525, Health Care/Medicaid, to 71325  
fund the Medicaid Program, the Director of Budget and Management 71326  
may submit a request to the Controlling Board to transfer cash 71327  
from the Medicaid Reserve Fund. The request shall state the 71328  
reasons for the transfer and the additional amounts being 71329  
requested. The request shall be submitted at a regularly scheduled 71330  
meeting of the Controlling Board. If the Controlling Board 71331  
approves the transfer, the Director of Budget and Management shall 71332  
transfer the approved amount of cash from the Medicaid Reserve 71333  
Fund to the General Revenue Fund and increase the state share of 71334  
appropriations in appropriation item 600-525, Health 71335  
Care/Medicaid, and adjust the federal share accordingly. Any such 71336  
transfers and adjustments are hereby appropriated. 71337

At the end of fiscal year 2008, the Director of Budget and 71338  
Management shall transfer from the Medicaid Reserve Fund all the 71339  
cash balance, including any interest earnings, in excess of any 71340  
transfers approved by the Controlling Board to the credit of the 71341  
General Revenue Fund. The Director of Budget and Management shall 71342  
make transfers to the Budget Stabilization Fund or the Income Tax 71343  
Reduction Fund in accordance with section 131.44 of the Revised 71344  
Code. 71345

Not later than July 31, 2008, or as soon as possible 71346  
thereafter, the Director of Budget and Management shall transfer, 71347  
for fiscal year 2009, \$205,000,000 in cash from the General 71348  
Revenue Fund to the Medicaid Reserve Fund. 71349

If at any time during fiscal year 2009 the Director of Budget and Management determines that additional appropriations are needed in appropriation item 600-525, Health Care/Medicaid, to fund the Medicaid Program, the Director of Budget and Management may submit a request to the Controlling Board to transfer cash from the Medicaid Reserve Fund. The request shall state the reasons for the transfer and the additional amounts being requested. The request shall be submitted at a regularly scheduled meeting of the Controlling Board. If the Controlling Board approves the transfer, the Director of Budget and Management shall transfer the approved amount of cash from the Medicaid Reserve Fund to the General Revenue Fund and increase the state share of appropriations in appropriation item 600-525, Health Care/Medicaid, and adjust the federal share accordingly. Any such transfers and adjustments are hereby appropriated.

At the end of fiscal year 2009, the Director of Budget and Management shall transfer from the Medicaid Reserve Fund all the cash balance, including any interest earnings, in excess of any transfers approved by the Controlling Board to the credit of the General Revenue Fund. The Director of Budget and Management shall make transfers to the Budget Stabilization Fund and the Income Tax Reduction Fund in accordance with section 131.44 of the Revised Code.

**Section 309.30.18. MEDICAID PROVIDER AUDITS**

Of the foregoing appropriation item 600-417, Medicaid Provider Audits, \$2,000,000 each fiscal year shall be used by the Auditor of State, in consultation with the Department of Job and Family Services, to perform audits of providers of Medicaid services as defined in section 117.10 of the Revised Code.

**Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT**

SYSTEM FOR NURSING FACILITIES	71380
(A) As used in this section:	71381
"Franchise permit fee," "Medicaid days," "nursing facility,"	71382
and "provider" have the same meanings as in section 5111.20 of the	71383
Revised Code.	71384
"Nursing facility services" means nursing facility services	71385
covered by the Medicaid program that a nursing facility provides	71386
to a resident of the nursing facility who is a Medicaid recipient	71387
eligible for Medicaid-covered nursing facility services.	71388
(B) Except as otherwise provided by this section, the	71389
provider of a nursing facility that has a valid Medicaid provider	71390
agreement on June 30, 2007, and a valid Medicaid provider	71391
agreement during fiscal year 2008 shall be paid, for nursing	71392
facility services the nursing facility provides during fiscal year	71393
2008, the rate calculated for the nursing facility under sections	71394
5111.20 to 5111.33 of the Revised Code with the following	71395
adjustments:	71396
(1) The cost per case mix-unit calculated under section	71397
5111.231 of the Revised Code, the rate for ancillary and support	71398
costs calculated under section 5111.24 of the Revised Code, the	71399
rate for capital costs calculated under section 5111.25 of the	71400
Revised Code, and the rate for tax costs calculated under section	71401
5111.242 of the Revised Code shall each be adjusted as follows:	71402
(a) Increase the cost and rates so calculated by two per	71403
cent;	71404
(b) Increase the cost and rates determined under division	71405
(B)(1)(a) of this section by two per cent;	71406
(c) Increase the cost and rates determined under division	71407
(B)(1)(b) of this section by two and eight-tenths per cent.	71408
(2) The mean payment used in the calculation of the quality	71409

incentive payment made under section 5111.244 of the Revised Code 71410  
shall be, weighted by Medicaid days, three dollars and six cents 71411  
per Medicaid day. 71412

(C) If the rate determined for a nursing facility under 71413  
division (B) of this section for nursing facility services 71414  
provided during fiscal year 2008 is more than one hundred nine and 71415  
eighty-five hundredths per cent of the rate the provider is paid 71416  
for nursing facility services the nursing facility provides on 71417  
June 30, 2007, the Department of Job and Family Services shall 71418  
reduce the nursing facility's fiscal year 2008 rate so that the 71419  
rate is not more than one hundred nine and eighty-five hundredths 71420  
per cent of the nursing facility's rate for June 30, 2007. If the 71421  
rate determined for a nursing facility under division (B) of this 71422  
section for nursing facility services provided during fiscal year 71423  
2008 is less than the rate the provider is paid for nursing 71424  
facility services the nursing facility provides on June 30, 2007, 71425  
the Department shall increase the nursing facility's fiscal year 71426  
2008 rate so that the rate is not less than the nursing facility's 71427  
rate for June 30, 2007. 71428

(D) If the United States Centers for Medicare and Medicaid 71429  
Services requires that the franchise permit fee be reduced or 71430  
eliminated, the Department of Job and Family Services shall reduce 71431  
the amount it pays providers of nursing facility services under 71432  
this section as necessary to reflect the loss to the state of the 71433  
revenue and federal financial participation generated from the 71434  
franchise permit fee. 71435

(E) The Department of Job and Family Services shall follow 71436  
this section in determining the rate to be paid to the provider of 71437  
a nursing facility that has a valid Medicaid provider agreement on 71438  
June 30, 2007, and a valid Medicaid provider agreement during 71439  
fiscal year 2008 notwithstanding anything to the contrary in 71440  
sections 5111.20 to 5111.33 of the Revised Code. 71441

Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT	71442
SYSTEM FOR NURSING FACILITIES	71443
(A) As used in this section:	71444
"Franchise permit fee," "Medicaid days," "nursing facility,"	71445
and "provider" have the same meanings as in section 5111.20 of the	71446
Revised Code.	71447
"Nursing facility services" means nursing facility services	71448
covered by the Medicaid program that a nursing facility provides	71449
to a resident of the nursing facility who is a Medicaid recipient	71450
eligible for Medicaid-covered nursing facility services.	71451
(B) Except as otherwise provided by this section, the	71452
provider of a nursing facility that has a valid Medicaid provider	71453
agreement on June 30, 2008, and a valid Medicaid provider	71454
agreement during fiscal year 2009 shall be paid, for nursing	71455
facility services the nursing facility provides during fiscal year	71456
2009, the rate calculated for the nursing facility under sections	71457
5111.20 to 5111.33 of the Revised Code with the following	71458
adjustments:	71459
(1) The cost per case mix-unit calculated under section	71460
5111.231 of the Revised Code, the rate for ancillary and support	71461
costs calculated under section 5111.24 of the Revised Code, the	71462
rate for capital costs calculated under section 5111.25 of the	71463
Revised Code, and the rate for tax costs calculated under section	71464
5111.242 of the Revised Code shall each be adjusted as follows:	71465
(a) Increase the cost and rates so calculated by two per	71466
cent;	71467
(b) Increase the cost and rates determined under division	71468
(B)(1)(a) of this section by two per cent;	71469
(c) Increase the cost and rates determined under division	71470
(B)(1)(b) of this section by two and eight-tenths per cent;	71471



(d) Increase the cost and rates determined under division 71472  
(B)(1)(c) of this section by one half of a per cent. 71473

(2) The mean payment used in the calculation of the quality 71474  
incentive payment made under section 5111.244 of the Revised Code 71475  
shall be, weighted by Medicaid days, three dollars and twelve 71476  
cents per Medicaid day. 71477

(C) If the rate determined for a nursing facility under 71478  
division (B) of this section for nursing facility services 71479  
provided during fiscal year 2009 is more than the rate the 71480  
provider is paid for nursing facility services the nursing 71481  
facility provides on June 30, 2008, the Department of Job and 71482  
Family Services shall reduce the nursing facility's fiscal year 71483  
2009 rate so that the rate is not more than the nursing facility's 71484  
rate for June 30, 2008. If the rate determined for a nursing 71485  
facility under division (B) of this section for nursing facility 71486  
services provided during fiscal year 2009 is less than the rate 71487  
the provider is paid for nursing facility services the nursing 71488  
facility provides on June 30, 2008, the Department shall increase 71489  
the nursing facility's fiscal year 2009 rate so that the rate is 71490  
not less than the nursing facility's rate for June 30, 2008. 71491

(D) If the United States Centers for Medicare and Medicaid 71492  
Services requires that the franchise permit fee be reduced or 71493  
eliminated, the Department of Job and Family Services shall reduce 71494  
the amount it pays providers of nursing facility services under 71495  
this section as necessary to reflect the loss to the state of the 71496  
revenue and federal financial participation generated from the 71497  
franchise permit fee. 71498

(E) The Department of Job and Family Services shall follow 71499  
this section in determining the rate to be paid to the provider of 71500  
a nursing facility that has a valid Medicaid provider agreement on 71501  
June 30, 2008, and a valid Medicaid provider agreement during 71502  
fiscal year 2009 notwithstanding anything to the contrary in 71503

sections 5111.20 to 5111.33 of the Revised Code. 71504

**Section 309.30.40.** FISCAL YEARS 2008 AND 2009 MEDICAID 71505  
REIMBURSEMENT SYSTEM FOR ICFs/MR 71506

(A) As used in this section: 71507

"Intermediate care facility for the mentally retarded" has 71508  
the same meaning as in section 5111.20 of the Revised Code. 71509

"Medicaid days" means all days during which a resident who is 71510  
a Medicaid recipient occupies a bed in an intermediate care 71511  
facility for the mentally retarded that is included in the 71512  
facility's Medicaid-certified capacity. Therapeutic or hospital 71513  
leave days for which payment is made under section 5111.33 of the 71514  
Revised Code are considered Medicaid days proportionate to the 71515  
percentage of the intermediate care facility for the mentally 71516  
retarded's per resident per day rate paid for those days. 71517

"Per diem rate" means the per diem rate calculated pursuant 71518  
to sections 5111.20 to 5111.33 of the Revised Code. 71519

(B) Notwithstanding sections 5111.20 to 5111.33 of the 71520  
Revised Code, rates paid to intermediate care facilities for the 71521  
mentally retarded under the Medicaid program shall be subject to 71522  
the following limitations: 71523

(1) For fiscal year 2008, the mean total per diem rate for 71524  
all intermediate care facilities for the mentally retarded in the 71525  
state, weighted by May 2007 Medicaid days and calculated as of 71526  
July 1, 2007, shall not exceed \$266.14. 71527

(2) For fiscal year 2009, the mean total per diem rate for 71528  
all intermediate care facilities for the mentally retarded in the 71529  
state, weighted by May 2008 Medicaid days and calculated as of 71530  
July 1, 2008, shall not exceed \$271.46. 71531

(3) If the mean total per diem rate for all intermediate care 71532  
facilities for the mentally retarded in the state for fiscal year 71533

2008 or 2009, weighted by Medicaid days as specified in division 71534  
(B)(1) or (2) of this section, as appropriate, and calculated as 71535  
of the first day of July of the calendar year in which the fiscal 71536  
year begins, exceeds the amount specified in division (B)(1) or 71537  
(2) of this section, as applicable, the Department of Job and 71538  
Family Services shall reduce the total per diem rate for each 71539  
intermediate care facility for the mentally retarded in the state 71540  
by a percentage that is equal to the percentage by which the mean 71541  
total per diem rate exceeds the amount specified in division 71542  
(B)(1) or (2) of this section for that fiscal year. 71543

(4) Subsequent to any reduction required by division (B)(3) 71544  
of this section, the rate of an intermediate care facility for the 71545  
mentally retarded shall not be subject to any adjustments 71546  
authorized by sections 5111.20 to 5111.33 of the Revised Code 71547  
during the remainder of the year. 71548

**Section 309.30.43. ICF/MR REIMBURSEMENT STUDY COUNCIL** 71549

(A) There is hereby created the ICF/MR Reimbursement Study 71550  
Council consisting of all of the following members: 71551

(1) The Director of Job and Family Services; 71552

(2) The Deputy Director of the Office of Ohio Health Plans of 71553  
the Department of Job and Family Services; 71554

(3) The Director of Mental Retardation and Developmental 71555  
Disabilities; 71556

(4) One representative of Medicaid recipients residing in 71557  
intermediate care facilities for the mentally retarded, appointed 71558  
by the Governor; 71559

(5) Two representatives of each of the following 71560  
organizations, appointed by their respective governing bodies: 71561

(a) The Ohio Provider Resource Association; 71562

(b) The Ohio Health Care Association. 71563

Initial appointments of members described in divisions (A)(4) 71564  
and (5) of this section shall be made not later than thirty days 71565  
after the effective date of this section. Vacancies shall be 71566  
filled in the same manner as the original appointments. Members 71567  
described in those divisions shall serve at the pleasure of the 71568  
official or governing body making the appointment of the member. 71569

The Director of Job and Family Services shall serve as 71570  
chairperson of the council. Members of the council shall serve 71571  
without compensation, except to the extent that serving on the 71572  
council is part of their regular duties of employment. 71573

(B) The council shall review the system established by 71574  
sections 5111.20 to 5111.33 of the Revised Code for reimbursing 71575  
intermediate care facilities for the mentally retarded under the 71576  
Medicaid program. Not later than July 1, 2008, the council shall 71577  
issue a report of its activities, findings, and recommendations to 71578  
the Governor, the Speaker of the House of Representatives, and the 71579  
President of the Senate. 71580

(C) In its consideration of the system for reimbursing 71581  
intermediate care facilities for the mentally retarded under 71582  
division (B) of this section, the council shall use the following 71583  
principles: 71584

(1) The system should appropriately account for differences 71585  
in acuity and service needs among individuals in institutional 71586  
care facilities for the mentally retarded. 71587

(2) The system should support and encourage quality services, 71588  
including both of the following elements: 71589

(a) A high level of coverage of direct care costs; 71590

(b) Pay for performance mechanisms. 71591

(3) The system should reflect appropriate recognition that 71592

virtually all individuals served in intermediate care facilities 71593  
for the mentally retarded are Medicaid recipients. 71594

(4) The system should encourage cost-effective service 71595  
delivery. 71596

(5) The system should encourage innovation in service 71597  
delivery. 71598

(6) The system should encourage appropriate maintenance, 71599  
improvement, and replacement of facilities. 71600

(D) The council ceases to exist on the submission of a report 71601  
under division (B) of this section. 71602

**Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 71603  
SERVICES 71604**

As used in this section, "PASSPORT program" means the program 71605  
created under section 173.40 of the Revised Code. 71606

The Director of Job and Family Services shall amend the rules 71607  
adopted under section 5111.85 of the Revised Code as necessary to 71608  
accomplish the following: 71609

(A) Increase, for fiscal year 2008, the Medicaid 71610  
reimbursement rates for services provided under the PASSPORT 71611  
program to rates that result in an amount that is three per cent 71612  
higher than the amount resulting from the rates in effect June 30, 71613  
2007. 71614

(B) Increase, for fiscal year 2009, the Medicaid 71615  
reimbursement rates for services provided under the PASSPORT 71616  
program to rates that result in an amount that is three per cent 71617  
higher than the amount resulting from the rates in effect June 30, 71618  
2008. 71619

**Section 309.30.50. HOME FIRST PROGRAM 71620**

(A) On a quarterly basis, on receipt of the certified 71621  
expenditures related to section 173.401 of the Revised Code, the 71622  
Director of Budget and Management shall do all of the following 71623  
for fiscal years 2008 and 2009: 71624

(1) Transfer the state share of the amount of the actual 71625  
expenditures from GRF appropriation item 600-525, Health 71626  
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 71627

(2) Increase the appropriation in Ohio Department of Aging 71628  
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 71629  
share of the amount of the actual expenditures; 71630

(3) Increase the appropriation in JFS Fund 3G5, appropriation 71631  
item 600-655, Interagency Reimbursement, by the federal share of 71632  
the amount of the actual expenditures. 71633

The funds that the Director of Budget and Management 71634  
transfers and increases under this division are hereby 71635  
appropriated. 71636

(B) The individuals placed in the PASSPORT program pursuant 71637  
to this section shall be in addition to the individuals placed in 71638  
the PASSPORT program during fiscal years 2008 and 2009 based on 71639  
the amount of money that is in GRF appropriation item 490-403, 71640  
PASSPORT; Fund 4J4, appropriation item 490-610, 71641  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 71642  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 71643  
490-607, PASSPORT, before any transfers to GRF appropriation item 71644  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 71645  
PASSPORT, are made under this section. 71646

**Section 309.30.53. RESIDENTIAL STATE SUPPLEMENT TRANSFER** 71647

On a quarterly basis, on receipt of the certified residential 71648  
state supplement costs related to section 173.351 of the Revised 71649  
Code, the Director of Budget and Management shall do the 71650

following: 71651

(A) Transfer the state share of the amount of the estimated 71652  
costs from GRF appropriation item 600-525, Health Care/Medicaid, 71653  
to GRF appropriation item 490-412, Residential State Supplement; 71654

(B) The Department of Aging may transfer cash by intrastate 71655  
transfer vouchers from the foregoing appropriation item 490-412, 71656  
Residential State Supplement, and 490-610, PASSPORT/Residential 71657  
State Supplement, to the Department of Job and Family Services 71658  
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 71659  
funds shall be used to make benefit payments to Residential State 71660  
Supplement recipients. 71661

The funds that the Director of Budget and Management 71662  
transfers and increases under this division are hereby 71663  
appropriated. 71664

**Section 309.30.56. HEALTH ASSISTANCE FOR CHILDREN WITH** 71665  
**CATASTROPHIC ILLNESS COUNCIL** 71666

(A) There is hereby created the Health Assistance for 71667  
Children with Catastrophic Illness Council. The Council shall 71668  
consist of the following members: 71669

(1) The Director of Job and Family Services; 71670

(2) The Director of Health; 71671

(3) Three members of the Senate, not more than two of whom 71672  
are members of the same political party, appointed by the 71673  
President of the Senate; 71674

(4) Three members of the House of Representatives, not more 71675  
than two of whom are members of the same political party, 71676  
appointed by the Speaker of the House of Representatives. 71677

(B) The President of the Senate shall select one of the 71678  
members of the Council who is a member of the Senate to serve as a 71679

co-chairperson of the Council. The Speaker shall select one of the 71680  
members of the Council who is a member of the House of 71681  
Representatives to serve as the other co-chairperson of the 71682  
Council. Members of the Council shall serve without compensation 71683  
or reimbursement of expenses, except to the extent that serving on 71684  
the council is part of the council member's regular duties of 71685  
employment. 71686

(C) The co-chairpersons shall call the Council to its first 71687  
meeting not later than October 1, 2007. The Council shall study 71688  
the feasibility, cost, and benefits of permitting individuals 71689  
under nineteen years of age who have a catastrophic mental or 71690  
physical illness or disability and family income exceeding three 71691  
hundred per cent of the federal poverty guidelines to qualify for 71692  
Medicaid under a buy-in mechanism, to receive assistance through 71693  
either the Medicaid program or a state-only funded program in 71694  
paying the premiums for private health insurance, or a combination 71695  
of both. The Council shall include in its study the issue of who 71696  
should qualify for assistance under such a buy-in mechanism, 71697  
premium assistance program, or combination. 71698

(D) The Council shall issue a report not later than December 71699  
31, 2007. The Council shall provide a copy of the report to the 71700  
Governor and General Assembly and make the report available to the 71701  
public. The Council shall cease to exist on the day the report is 71702  
issued. 71703

(E) The Council's report shall include recommendations on all 71704  
of the following: 71705

(1) Establishing a requirement that coverage under the 71706  
mechanism, program, or combination at least include individuals 71707  
under nineteen years of age who have family income exceeding three 71708  
hundred per cent of the federal poverty guidelines and have been 71709  
unable to obtain private health insurance for at least one year 71710  
due to the severity of a catastrophic mental or physical illness 71711



or disability;	71712
(2) Establishing a prohibition against a numerical limit on the number of individuals who may participate in the mechanism, program, or combination;	71713 71714 71715
(3) Establishing a requirement that the mechanism, program, or combination include cost-sharing provisions.	71716 71717
<b>Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES</b>	71718
(A) As used in this section, "adult Medicaid recipient" means a Medicaid recipient twenty-two years of age or older.	71719 71720
(B) For the period beginning January 1, 2008, and ending June 30, 2009, and subject to division (C) of this section, the Medicaid Program shall cover chiropractic services for adult Medicaid recipients in an amount, duration, and scope specified in rules that the Director of Job and Family Services shall adopt under section 5111.02 of the Revised Code.	71721 71722 71723 71724 71725 71726
(C) The Medicaid Program's coverage of chiropractic services under this section shall be limited to fifteen visits per adult Medicaid recipient per fiscal year.	71727 71728 71729
<b>Section 309.30.70. MONEY FOLLOWS THE PERSON</b>	71730
(A) Subject to division (B) of this section, the Director of Budget and Management may do any of the following in support of any home and community-based services waiver program:	71731 71732 71733
(1) Create new funds and account appropriation items to support and track funds associated with a unified long-term care budget;	71734 71735 71736
(2) Transfer funds among affected agencies and adjust corresponding appropriation levels;	71737 71738
(3) Develop a reporting mechanism to show clearly how the	71739

funds are being transferred and expended. 71740

(B) Before an action may be taken under division (A) of this 71741  
section, the Director shall present the proposed action to the 71742  
Controlling Board. The Controlling Board shall review the proposed 71743  
action and either approve or disapprove the action. The Director 71744  
shall not implement the proposed action unless the action is 71745  
approved by the Controlling Board. 71746

**Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN** 71747

The Director of Job and Family Services shall, not later than 71748  
ninety days after the effective date of this section, submit to 71749  
the United States Secretary of Health and Human Services an 71750  
amendment to the state Medicaid plan to increase to two hundred 71751  
per cent of the federal poverty guidelines the income limit 71752  
specified in division (A)(2) of section 5111.014 of the Revised 71753  
Code. The increase shall be implemented not earlier than January 71754  
1, 2008. 71755

**\*Section 309.30.95. MEDICAID BUY-IN ADVISORY COUNCIL** 71756

The Director of Job and Family Services shall call the 71757  
Medicaid Buy-In Advisory Council established under section 71758  
5111.708 of the Revised Code to meet for the first time not later 71759  
than sixty days after the effective date of this section. 71760

**Section 309.31.10. MEDICARE PART D** 71761

The foregoing appropriation item 600-526, Medicare Part D, 71762  
may be used by the Department of Job and Family Services for the 71763  
implementation and operation of the Medicare Part D requirements 71764  
contained in the "Medicare Prescription Drug, Improvement, and 71765  
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 71766  
the request of the Department of Job and Family Services, the 71767  
Director of Budget and Management may increase the state share of 71768

appropriations in either appropriation item 600-525, Health 71769  
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 71770  
with a corresponding decrease in the state share of the other 71771  
appropriation item to allow the Department of Job and Family 71772  
Services to implement and operate the new Medicare Part D 71773  
requirements. If the state share of appropriation item 600-525, 71774  
Health Care/Medicaid, is adjusted, the Director of Budget and 71775  
Management shall adjust the federal share accordingly. 71776

**Section 309.31.13. INCREASE IN FISCAL YEAR 2008 DISPENSING 71777**  
FEE FOR MULTIPLE SOURCE DRUGS 71778

(A) As used in this section, "multiple source drug" has the 71779  
same meaning as in 42 U.S.C. 1396r-8(k)(7). 71780

(B) Not later than thirty days after the effective date of 71781  
the regulation that the United States Secretary of Health and 71782  
Human Services must promulgate under Section 6001(c)(3) of the 71783  
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, the Director 71784  
of Job and Family Services shall analyze the fiscal impact that 71785  
the federal upper reimbursement limits established under 42 U.S.C. 71786  
1396r-8(e)(4), as amended by section 6001 of the "Deficit 71787  
Reduction Act of 2005," will have on pharmacists in fiscal year 71788  
2008. The fiscal impact analysis shall include a projection of the 71789  
revenue a pharmacist is expected to lose during fiscal year 2008 71790  
from each unit of multiple source drug dispensed to a Medicaid 71791  
recipient. 71792

(C) Notwithstanding section 5111.071 of the Revised Code, and 71793  
subject to division (D) of this section, the Director shall, not 71794  
later than ten days after completing the analysis required by 71795  
division (B) of this section, increase the dispensing fee to be 71796  
paid to pharmacists with a valid Medicaid provider agreement for 71797  
dispensing a multiple source drug to a Medicaid recipient in 71798  
fiscal year 2008. The amount of the increase shall be determined 71799

in a manner that compensates pharmacists for the loss of revenue 71800  
the Director projects, under division (B) of this section, that 71801  
pharmacists, on average, will incur during fiscal year 2008. 71802

(D) The total amount the Director expends under division (C) 71803  
of this section to pay the increase in the dispensing fee in 71804  
fiscal year 2008 shall not exceed the total savings that the 71805  
Medicaid program is projected to save in that year as a result of 71806  
the changes to the federal upper reimbursement limits established 71807  
in 42 U.S.C. 1396r-8(e)(4) that were enacted by section 6001 of 71808  
the "Deficit Reduction Act of 2005." 71809

**Section 309.31.16. INCREASE IN FISCAL YEAR 2009 DISPENSING 71810**  
FEE FOR MULTIPLE SOURCE DRUGS 71811

(A) As used in this section, "multiple source drug" has the 71812  
same meaning as in 42 U.S.C. 1396r-8(k)(7). 71813

(B) Not later than March 15, 2008, the Director of Job and 71814  
Family Services shall analyze the fiscal impact that the federal 71815  
upper reimbursement limits established under 42 U.S.C. 71816  
1396r-8(e)(4), as amended by section 6001 of the "Deficit 71817  
Reduction Act of 2005," Pub. L. No. 109-171, will have on 71818  
pharmacists in fiscal year 2009. The fiscal impact analysis shall 71819  
include a projection of the revenue a pharmacist is expected to 71820  
lose during fiscal year 2009 from each unit of multiple source 71821  
drug dispensed to a Medicaid recipient. 71822

(C) Notwithstanding section 5111.071 of the Revised Code and 71823  
subject to division (D) of this section, the Director shall, not 71824  
later than ten days after completing the analysis required under 71825  
division (B) of this section, increase the dispensing fee to be 71826  
paid to pharmacists with a valid Medicaid provider agreement for 71827  
dispensing a multiple source drug to a Medicaid recipient in 71828  
fiscal year 2009. The amount of the increase shall be determined 71829  
in a manner that compensates pharmacists for the loss of revenue 71830

the Director projects, under division (B) of this section, that 71831  
pharmacists, on average, will incur during fiscal year 2009. 71832

(D) The total amount the Director expends under division (C) 71833  
of this section to pay the increase in the dispensing fee in 71834  
fiscal year 2009 shall not exceed the total savings that the 71835  
Medicaid program is projected to save in that fiscal year as a 71836  
result of the changes to the federal upper reimbursement limits 71837  
established in 42 U.S.C. 1396r-8(e)(4) that were enacted by 71838  
section 6001 of the "Deficit Reduction Act of 2005." 71839

**Section 309.31.20. RESIDENT PROTECTION FUND** 71840

If the Director of Budget and Management determines that the 71841  
Resident Protection Fund created in section 5111.62 of the Revised 71842  
Code has a cash balance, less encumbrances and appropriations, of 71843  
more than \$2,000,000, the Department of Job and Family Services or 71844  
its designee may issue a competitive request for grant proposals 71845  
to support projects that will benefit the residents of nursing 71846  
facilities that have been found to have deficiencies. The 71847  
directors of Job and Family Services, Health, and Aging or their 71848  
designees shall determine priority categories for funding, make 71849  
awards, and determine which of the three agencies should 71850  
administer each grant. Based on these determinations, the Director 71851  
of Budget and Management may transfer cash and appropriations 71852  
matching the amount of each award to the appropriate agency. Any 71853  
such transfers are hereby appropriated. 71854

**Section 309.31.30. OHIO ACCESS SUCCESS PROJECT** 71855

Notwithstanding any limitations in sections 3721.51 and 71856  
3721.56 of the Revised Code, in each fiscal year, cash from Fund 71857  
4J5, Home and Community-Based Services for the Aged, in excess of 71858  
the amounts needed for the transfers may be used by the Department 71859  
of Job and Family Services for the following purposes: (A) up to 71860

\$1.0 million in each fiscal year to fund the state share of audits of nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$350,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under section 5111.97 of the Revised Code.

**Section 309.31.40.** TRANSFER OF FUNDS TO THE DEPARTMENT OF AGING

The Department of Job and Family Services shall transfer, through intrastate transfer vouchers, cash from Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the transfers shall be \$33,263,984 in each fiscal year. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

**Section 309.31.50.** PROVIDER FRANCHISE FEE OFFSETS

(A) At least quarterly, the Director of Job and Family Services shall certify to the Director of Budget and Management both of the following:

(1) The amount of offsets withheld under section 3721.541 of the Revised Code from payments made from the General Revenue Fund.

(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.

(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or Fund 5R2, Nursing Facility Stabilization Fund, in accordance with sections 3721.56 and 3721.561 of the Revised Code;

(2) Fund 4K1, ICF/MR Bed Assessments.

(C) Amounts transferred pursuant to this section are hereby 71890  
appropriated. 71891

**Section 309.31.60.** TRANSFER OF FUNDS TO THE DEPARTMENT OF 71892  
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 71893

The Department of Job and Family Services shall transfer, 71894  
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 71895  
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 71896  
in the Department of Mental Retardation and Developmental 71897  
Disabilities. The amount transferred shall equal \$12,000,000 in 71898  
each fiscal year. The transfer may occur on a quarterly basis or 71899  
on a schedule developed and agreed to by both departments. 71900

**Section 309.31.70.** FUNDING FOR TRANSITION WAIVER SERVICES 71901

Notwithstanding any limitations contained in sections 5112.31 71902  
and 5112.37 of the Revised Code, in each fiscal year, cash from 71903  
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 71904  
for transfers to Fund 4K8, Home and Community-Based Services, in 71905  
the Department of Mental Retardation and Developmental 71906  
Disabilities, may be used by the Department of Job and Family 71907  
Services to cover costs of care provided to participants in a 71908  
waiver with an ICF/MR level of care requirement administered by 71909  
the Department of Job and Family Services. 71910

**Section 309.31.80.** PAYMENTS FROM THE DEPARTMENT OF EDUCATION 71911  
FOR MEDICAID SERVICES 71912

At the request of the Director of Job and Family Services, 71913  
the Director of Budget and Management may increase the 71914  
appropriation in appropriation item 600-639, Medicaid Revenue and 71915  
Collections, by the amounts paid to the department pursuant to 71916  
section 3317.023 of the Revised Code. 71917

**Section 309.31.90.** HOSPITAL CARE ASSURANCE MATCH 71918

Appropriation item 600-650, Hospital Care Assurance Match, 71919  
shall be used by the Department of Job and Family Services solely 71920  
for distributing funds to hospitals under section 5112.08 of the 71921  
Revised Code. 71922

**Section 309.32.10.** HEALTH CARE SERVICES ADMINISTRATION FUND 71923

Of the amount received by the Department of Job and Family 71924  
Services during fiscal year 2008 and fiscal year 2009 from the 71925  
first installment of assessments paid under section 5112.06 of the 71926  
Revised Code and intergovernmental transfers made under section 71927  
5112.07 of the Revised Code, the Director of Job and Family 71928  
Services shall deposit \$350,000 in each fiscal year into the state 71929  
treasury to the credit of the Health Care Services Administration 71930  
Fund (Fund 5U3). 71931

**Section 309.32.20.** MEDICAID PROGRAM SUPPORT FUND - STATE 71932

The foregoing appropriation item 600-671, Medicaid Program 71933  
Support, shall be used by the Department of Job and Family 71934  
Services to pay for Medicaid services and contracts. The 71935  
Department may also deposit to Fund 5C9 revenues received from 71936  
other state agencies for Medicaid services under the terms of 71937  
interagency agreements between the Department and other state 71938  
agencies, and all funds the Department recovers because the 71939  
benefits a person received under the disability medical assistance 71940  
program established in section 5115.10 of the Revised Code were 71941  
determined to be covered by the Medicaid Program established under 71942  
Chapter 5111. of the Revised Code. 71943

**Section 309.32.30.** TRANSFERS OF IMD/DSH CASH TO THE 71944  
DEPARTMENT OF MENTAL HEALTH 71945



The Department of Job and Family Services shall transfer, 71946  
through intrastate transfer voucher, cash from Fund 5C9, Medicaid 71947  
Program Support, to the Department of Mental Health's Fund 4X5, 71948  
OhioCare, in accordance with an interagency agreement that 71949  
delegates authority from the Department of Job and Family Services 71950  
to the Department of Mental Health to administer specified 71951  
Medicaid services. 71952

**Section 309.32.40. PRESCRIPTION DRUG REBATE FUND** 71953

The foregoing appropriation item 600-692, Health Care 71954  
Services, shall be used by the Department of Job and Family 71955  
Services to pay for Medicaid services and contracts. 71956

**Section 309.32.50. DISABILITY DETERMINATION PROCESS** 71957

Based on the recommendations made by the Disability 71958  
Determination Consolidation Study Council, the Rehabilitation 71959  
Services Commission and the Department of Job and Family Services 71960  
shall work together to reduce the duplication of activities 71961  
performed by each agency and develop a systems interface so that 71962  
medical information for mutual clients may be transferred between 71963  
the agencies. 71964

**Section 309.32.60. PRIMARY CARE ALTERNATIVE TREATMENT PROGRAM** 71965

The Director of Job and Family Services, not later than 71966  
January 1, 2008, shall submit a report to the General Assembly on 71967  
the Primary Alternative Care Treatment Program. The report shall 71968  
compare the average monthly medical costs of current participants 71969  
in the program with the average monthly costs of those individuals 71970  
prior to participation in the program. Not later than January 1, 71971  
2009, the Director shall submit an additional report on the total 71972  
cost savings achieved through the program. 71973

**Section 309.32.70. PHARMACEUTICAL REPORT** 71974

The Director of Job and Family Services, not later than one 71975  
year after the effective date of this section, shall submit a 71976  
report to the General Assembly on the effect of Medicare Part D 71977  
and the care management system established under section 5111.16 71978  
of the Revised Code on the Supplemental Drug Rebate Program 71979  
established under section 5111.081 of the Revised Code. The report 71980  
shall evaluate the changing cost of pharmaceuticals for which 71981  
supplemental rebates are made under the Supplemental Drug Rebate 71982  
Program as a result of the high volume of drug purchases being 71983  
transferred to Medicare Part D. The report shall include a review 71984  
of the use of generic drugs by Medicaid recipients and cost 71985  
savings to be achieved by increasing the use of generic drugs. 71986

**Section 309.32.80. MEDICAID DEPARTMENT PROGRESS REPORT** 71987

On an annual basis, the Director of Budget and Management 71988  
shall submit a written report to the Speaker of the House of 71989  
Representatives, the Minority Leader of the House of 71990  
Representatives, the President of the Senate, the Minority Leader 71991  
of the Senate, and the members of the Joint Legislative Committee 71992  
on Medicaid Technology and Reform describing the progress towards 71993  
establishing a separate agency or department to solely administer 71994  
the Medicaid program. 71995

**Section 309.40. FAMILY STABILITY** 71996

**Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS** 71997

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 71998  
and Family Services shall request that the United States Secretary 71999  
of Agriculture waive the applicability of the work requirement of 72000  
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 72001  
stamp benefit recipients who reside in a county of this state that 72002

the Department determines has an unemployment rate of over 10 per 72003  
cent or does not have a sufficient number of jobs to provide 72004  
employment for the recipients. 72005

**Section 309.40.20. FOOD STAMPS TRANSFER** 72006

On July 1, 2007, or as soon as possible thereafter, the 72007  
Director of Budget and Management may transfer up to \$1,000,000 in 72008  
cash from Fund 384, Food Stamp Program, to Fund 5ES, Food 72009  
Assistance. 72010

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD** 72011  
**BANKS** 72012

As used in this section, "federal poverty guidelines" has the 72013  
same meaning as in section 5101.46 of the Revised Code. 72014

Notwithstanding section 5101.46 of the Revised Code, the 72015  
Department of Job and Family Services shall provide \$5,500,000 in 72016  
each fiscal year from the foregoing appropriation item 600-651, 72017  
Second Harvest Food Banks, and \$1,000,000 in each fiscal year from 72018  
the foregoing appropriation item 600-659, TANF/Title XX Transfer 72019  
(Fund 3W3), to the Ohio Association of Second Harvest Food Banks. 72020  
The Department shall enter into a grant agreement with the Ohio 72021  
Association of Second Harvest Food Banks to allow for the purchase 72022  
of food and personal care products and the distribution of those 72023  
products to agencies participating in the emergency food 72024  
distribution program. Notwithstanding section 5101.46 of the 72025  
Revised Code, the grant may permit the Ohio Association of Second 72026  
Harvest Food Banks to use up to 5 per cent of the annual funding 72027  
for administrative costs. As soon as possible after entering into 72028  
a grant agreement at the beginning of each fiscal year, the 72029  
Department may advance grant funds to the grantee under section 72030  
5101.10 of the Revised Code and in accordance with federal law. 72031

Prior to entering into the grant agreement, the Ohio 72032

Association of Second Harvest Food Banks shall submit to the 72033  
Department for approval a plan for the distribution of the food 72034  
and personal care products to local food distribution agencies. If 72035  
the plan meets the requirements and conditions established by the 72036  
Department, the plan shall be incorporated into the grant 72037  
agreement. The grant agreement shall also require the Ohio 72038  
Association of Second Harvest Food Banks to ensure that local 72039  
agencies will limit participation of individuals and families who 72040  
receive any of the food and personal care products purchased with 72041  
these funds to those who have an income at or below 200 per cent 72042  
of the federal poverty guidelines. The Department and the Ohio 72043  
Association of Second Harvest Food Banks shall agree on reporting 72044  
requirements to be incorporated into the grant agreement, 72045  
including a statement of expected performance outcomes from the 72046  
Ohio Association of Second Harvest Food Banks and a requirement 72047  
for their evaluation of their success in achieving those outcomes. 72048

**Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE** 72049

The foregoing appropriation item 600-658, Child Support 72050  
Collections, shall be used by the Department of Job and Family 72051  
Services to meet the TANF maintenance of effort requirements of 42 72052  
U.S.C. 609(a)(7). When the state is assured that it will meet the 72053  
maintenance of effort requirement, the Department of Job and 72054  
Family Services may use funds from appropriation item 600-658, 72055  
Child Support Collections, to support child support activities. 72056

**Section 309.40.40. TANF INITIATIVES** 72057

The Department of Job and Family Services, in accordance with 72058  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 72059  
steps necessary, through interagency agreement, adoption of rules, 72060  
or otherwise as determined by the Department, to implement and 72061  
administer the Title IV-A programs identified in this section. 72062

KINSHIP PERMANENCY INCENTIVE PROGRAM 72063

Of the foregoing appropriation item 600-689, TANF Block Grant 72064  
(Fund 3V6), up to \$10 million per fiscal year shall be used to 72065  
support the activities of the Kinship Permanency Incentive Program 72066  
created under section 5101.802 of the Revised Code. 72067

The Department of Job and Family Services shall prepare 72068  
reports concerning both of the following: 72069

(A) Stability and permanency outcomes for children for whom 72070  
incentive payments are made under the Kinship Permanency Incentive 72071  
Program; 72072

(B) The total amount of payments made under the Program, 72073  
patterns of expenditures made per child under the Program, and 72074  
cost savings realized through the Program from placement with 72075  
kinship caregivers rather than other out-of-home placements. 72076

The Department shall submit a report to the Governor, the 72077  
Speaker and Minority Leader of the House of Representatives, and 72078  
the President and Minority Leader of the Senate not later than 72079  
December 31, 2008, and December 31, 2010. 72080

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 72081

Of the foregoing appropriation item 600-689, TANF Block Grant 72082  
(Fund 3V6), the Department of Job and Family Services shall use up 72083  
to \$2,000,000 in each fiscal year to support expenditures of the 72084  
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 72085  
of the Revised Code to provide after-school programs that protect 72086  
at-risk children and enable youth to become responsible adults. 72087  
The Ohio Alliance of Boys and Girls Clubs shall provide 72088  
nutritional meals, snacks, and educational, youth development, and 72089  
career development services to TANF eligible children 72090  
participating in programs and activities operated by eligible Boys 72091  
and Girls Clubs. 72092

Of the foregoing appropriation item 600-689, TANF Block Grant 72093  
(Fund 3V6), the Department of Job and Family Services shall use up 72094  
to \$1,400,000 in each fiscal year to support expenditures of the 72095  
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 72096  
of the Revised Code for the For Kids Sake Ohio program. 72097

The Department of Job and Family Services and the Ohio 72098  
Alliance of Boys and Girls Clubs shall agree on reporting 72099  
requirements to be incorporated into the grant agreements. 72100

SUMMER AND AFTER-SCHOOL PROGRAMS 72101

Of the foregoing appropriation item 600-689, TANF Block Grant 72102  
(Fund 3V6), the Department of Job and Family Services shall use up 72103  
to \$10,000,000 in each fiscal year to support summer and 72104  
after-school programs and services for TANF eligible youth served 72105  
through community-based organizations, faith-based organizations, 72106  
and schools pursuant to section 5101.801 of the Revised Code to 72107  
provide academic support not available during the regular school 72108  
day, nutrition, transportation, youth development activities, drug 72109  
and violence prevention programs, counseling programs, technology 72110  
education, and character education programs. 72111

CHILDREN'S HUNGER ALLIANCE 72112

Of the foregoing appropriation item 600-689, TANF Block Grant 72113  
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be 72114  
reimbursed to the Children's Hunger Alliance pursuant to section 72115  
5101.801 of the Revised Code for Child Nutrition Program outreach 72116  
efforts. 72117

SCHOOL READINESS ENRICHMENT 72118

Of the foregoing appropriation item 600-689, TANF Block Grant 72119  
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 72120  
TANF eligible activities pursuant to section 5101.801 of the 72121  
Revised Code to provide intervention services to prepare children 72122  
for kindergarten. 72123

FOOD BANKS	72124
Of the foregoing appropriation item 600-689, TANF Block Grant	72125
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to	72126
reimburse the Ohio network of food banks pursuant to section	72127
5101.801 of the Revised Code for purchases and distribution of	72128
food products.	72129
GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES	72130
Of the foregoing appropriation item 600-689, TANF Block Grant	72131
(Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to	72132
reimburse the Governor's Office for Faith-Based and Community	72133
Initiatives pursuant to section 5101.801 of the Revised Code for	72134
projects designed to serve the state's most vulnerable citizens.	72135
ADOPTION PROMOTION	72136
Of the foregoing appropriation item 600-689, TANF Block Grant	72137
(Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for	72138
TANF eligible activities pursuant to section 5101.801 of the	72139
Revised Code to provide additional support for initiatives aimed	72140
at increasing the number of adoptions including recruiting,	72141
promoting, and supporting adoptive families.	72142
INDEPENDENT LIVING INITIATIVES	72143
Of the foregoing appropriation item 600-689, TANF Block Grant	72144
(Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for	72145
TANF eligible activities pursuant to section 5101.801 of the	72146
Revised Code to support the independent living initiative,	72147
including life skills training and work supports for older	72148
children in foster care and those who have recently aged out of	72149
foster care.	72150
CLOSING THE ACHIEVEMENT GAP	72151
Of the foregoing appropriation item 600-689, TANF Block Grant	72152
(Fund 3V6), up to \$10,000,000 in each fiscal year shall be used	72153

for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services aimed at improving the African-American male graduation rate.

**FREESTORE FOODBANK - BARIS PROGRAM**

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$800,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Freestore Foodbank for continuation of the Benefits Acquisition Results in Self Sufficiency (BARIS) project.

**FAMILY SERVICE OF THE CINCINNATI AREA**

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$25,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, Family Service of the Cincinnati Area for the International Family Resource Center program.

**PARENT MENTORS**

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to reimburse the Department of Education pursuant to section 5101.801 of the Revised Code for providing funding for an additional ten parent mentors. This additional support for parent mentors shall be aimed at increasing support for parents with children who have special needs, thereby reducing stress on the family and encouraging the maintenance of two parent families. Such funding shall be in addition to that which is provided for parent mentoring programs in GRF appropriation item 200-540, Special Education Enhancements, in the Department of Education.

**ACCOUNTABILITY AND CREDIBILITY TOGETHER**

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 72184  
welfare diversion program to TANF eligible individuals pursuant to 72185  
section 5101.801 of the Revised Code. 72186

AMERICAN ACADEMY OF PEDIATRICS 72187

Of the foregoing appropriation item 600-689, TANF Block Grant 72188  
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to 72189  
reimburse, in accordance with section 5101.801 of the Revised 72190  
Code, the American Academy of Pediatrics for the Reach Out and 72191  
Read program. 72192

HOME WEATHERIZATION 72193

Of the foregoing appropriation item 600-689, TANF Block Grant 72194  
(Fund 3V6), up to \$500,000 in each fiscal year shall be used to 72195  
reimburse, in accordance with section 5101.801 of the Revised 72196  
Code, the Corporation for Ohio Appalachian Development for home 72197  
weatherization. 72198

PROVIDENCE HOUSE 72199

Of the foregoing appropriation item 600-689, TANF Block Grant 72200  
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to 72201  
reimburse, in accordance with section 5101.801 of the Revised 72202  
Code, the Providence House for providing crisis intervention 72203  
services for children who are at risk of abuse and neglect. 72204

BUTLER COUNTY SUCCESS PLAN 72205

Of the foregoing appropriation item 600-689, TANF Block Grant 72206  
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to 72207  
provide reimbursement, in accordance with section 5101.801 of the 72208  
Revised Code, for the Butler County Success Plan. 72209

AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA 72210  
CHILDREN'S HOME AND FAMILY SERVICES 72211

Of the foregoing appropriation item 600-689, TANF Block 72212  
Grant, up to \$2,063,000 in fiscal year 2008 shall be used to 72213

reimburse the American Red Cross-Greater Cleveland Chapter and the Berea Children's Home and Family Services in accordance with section 5101.801 of the Revised Code, for enrolling TANF eligible individuals in the Northeast Ohio Nurse Assistant Training Program, which will lead to employment opportunities in the healthcare field in a ten-county region.

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP PROGRAM

Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$246,128 in fiscal year 2008 and up to \$246,128 in fiscal year 2009 shall be used to reimburse the Center for Families and Children RapArt Youth Fellowship Program in accordance with section 5101.801 of the Revised Code for providing an after-school program that supports at-risk young adults and enables youth to become responsible adults.

TALBERT HOUSE

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 Talbert House for providing TANF eligible non-medical behavioral health services.

TANF EDUCATIONAL AWARDS PROGRAM

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to reimburse the Ohio Board of Regents pursuant to section 5101.801 of the Revised Code for initiatives addressing postsecondary tuition and educational expenses not covered by other grant programs that target low-income students.

CHABAD HOUSE

Of the foregoing appropriation item 600-689, TANF Block Grant

(Fund 3V6), up to \$125,000 in each fiscal year shall be used to 72244  
reimburse, in accordance with section 5101.801 of the Revised 72245  
Code, the Chabad House for the Friendship Circle program. 72246

COURT CLINIC FORENSIC SERVICES 72247

Of the foregoing appropriation 600-689, TANF Block Grant 72248  
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to 72249  
reimburse, in accordance with section 5101.801 of the Revised 72250  
Code, Court Clinic Forensic Services for establishment of an 72251  
intense program of education, job training, and job placement to 72252  
divert women from local jails and state prisons and to reduce 72253  
recidivism. 72254

BIG BROTHERS BIG SISTERS 72255

Of the foregoing appropriation item 600-689, TANF Block Grant 72256  
(Fund 3V6), up to \$250,000 in fiscal year 2008 and up to \$750,000 72257  
in fiscal year 2009 shall be used to reimburse Big Brothers Big 72258  
Sisters of Central Ohio, in accordance with section 5101.801 of 72259  
the Revised Code, for child mentoring services. 72260

WECO HOME PROGRAM 72261

Of the foregoing appropriation item 600-689, TANF Block Grant 72262  
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be used to 72263  
reimburse, in accordance with section 5101.801 of the Revised 72264  
Code, WECO Fund, Inc., for an individual development account 72265  
program that helps participants purchase homes. 72266

ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE 72267

Of the foregoing appropriation item 600-689, TANF Block Grant 72268  
(Fund 3V6), up to \$650,000 in each fiscal year shall be used to 72269  
reimburse, in accordance with section 5101.801 of the Revised 72270  
Code, the Economic and Community Development Institute for 72271  
matching funds provided to TANF eligible individuals through an 72272  
individual development accounts program. 72273

EARLY CHILDHOOD EDUCATION PILOT	72274
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$50,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Alliance Early Childhood Education Pilot Project.	72275 72276 72277 72278
OHIO COUNCIL OF URBAN LEAGUES	72279
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 the Ohio Council of Urban Leagues, in accordance with section 5101.801 of the Revised Code, for career development programs that provide opportunities for eligible individuals to develop a career path in a desired employment area.	72280 72281 72282 72283 72284 72285
HOME ENERGY ASSISTANCE PROGRAM	72286
The Department of Job and Family Services shall transfer, through intrastate transfer voucher, \$45,000,000 in cash in fiscal year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF Block Grant, to Fund 3BJ, TANF Heating Assistance, in the Department of Development, in accordance with an interagency agreement. The Departments of Job and Family Services and Development shall enter into an interagency agreement for providing reimbursement to the Department of Development to administer the Title IV-A funded Home Energy Assistance Program (HEAP), which provides assistance with home energy fuel costs to needy families with children.	72287 72288 72289 72290 72291 72292 72293 72294 72295 72296 72297
If the Department of Development receives approval for a federal waiver to increase the percentage of the Home Energy Block Grant that may be used for weatherization to sixteen and one-half per cent in fiscal year 2008 and seventeen and one-half per cent in fiscal year 2009, the Department of Job and Family Services shall increase the amount of reimbursement to the Department of Development from Fund 3V6, TANF Block Grant, for the Title IV-A	72298 72299 72300 72301 72302 72303 72304

funded Home Energy Assistance Program by an amount equal to the 72305  
additional amounts used for weatherization under the federal 72306  
waiver. 72307

The directors of Job and Family Services and Development 72308  
shall seek Controlling Board approval to adjust the appropriations 72309  
for appropriation item 600-689, TANF Block Grant, in the 72310  
Department of Job and Family Services and appropriation item 72311  
195-685, TANF Heating Assistance, in the Department of 72312  
Development, as needed to carry out the purposes described in the 72313  
preceding paragraph. 72314

**Section 309.40.49. OHIO WORKS FIRST DOMESTIC VIOLENCE RULES** 72315

The Director of Job and Family Services shall adopt the 72316  
initial rules under divisions (A)(14), (15), and (16) of section 72317  
5107.05 of the Revised Code not later than January 1, 2008. 72318

**Section 309.40.60. EARLY LEARNING INITIATIVE** 72319

(A) As used in this section: 72320

(1) "Title IV-A services" means benefits and services that 72321  
are allowable under Title IV-A of the "Social Security Act," as 72322  
specified in 42 U.S.C. 604(a), except that they shall not be 72323  
benefits and services included in the term "assistance" as defined 72324  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 72325  
excluded from the definition of the term "assistance" under 45 72326  
C.F.R. 260.31(b). 72327

(2) "Title IV-A funds" means funds provided under the 72328  
temporary assistance for needy families block grant established by 72329  
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 72330  
U.S.C. 601, as amended. 72331

(3) "Eligible child" means a child who is at least three 72332  
years of age but not of compulsory school age or enrolled in 72333

kindergarten, is eligible for Title IV-A services, and whose 72334  
family income at the time of application does not exceed one 72335  
hundred eighty-five per cent of the federal poverty line in fiscal 72336  
year 2008 or two hundred per cent of the federal poverty line in 72337  
fiscal year 2009. 72338

(4) "Early learning program" means a program for eligible 72339  
children that is funded with Title IV-A funds and provides Title 72340  
IV-A services, according to the purposes listed in 45 C.F.R. 72341  
260.20(c), that are early learning services, as defined by 72342  
pursuant to division (D)(1) of this section. 72343

(5) "Early learning provider" means an entity that is 72344  
receiving Title IV-A funds to operate an early learning program. 72345

(6) "Early learning agency" means an early learning provider 72346  
or an entity that has entered into an agreement with an early 72347  
learning provider requiring the early learning provider to operate 72348  
an early learning program on behalf of the entity. 72349

(7) "Federal poverty line" has the same meaning as in section 72350  
5104.01 of the Revised Code. 72351

(8) "Of compulsory school age" has the same meaning as in 72352  
section 3321.01 of the Revised Code. 72353

(B) The Early Learning Initiative is hereby established. The 72354  
Department of Education and the Department of Job and Family 72355  
Services shall administer the Initiative in accordance with 72356  
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 72357  
shall provide early learning services to eligible children. Early 72358  
learning programs may provide early learning services on a 72359  
full-day basis, a part-day basis, or both a full-day and part-day 72360  
basis. 72361

(C) The Department of Job and Family Services shall do both 72362  
of the following: 72363

(1) Reimburse early learning agencies for Title IV-A services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section; 72364 72365 72366 72367

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following: 72368 72369 72370 72371

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred sixty-five per cent of the federal poverty line but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(3) of this section; 72372 72373 72374 72375 72376

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred sixty-five per cent of the federal poverty line; 72377 72378 72379

(c) A definition of "enrollment" for the purpose of compensating early learning agencies; 72380 72381

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children. 72382 72383

(D) The Department of Education shall do all of the following: 72384 72385

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative; 72386 72387

(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 72388 72389 72390 72391 72392 72393

licensed or certified by the Department of Education under 72394  
sections 3301.52 to 3301.59 of the Revised Code or by the 72395  
Department of Job and Family Services under Chapter 5104. of the 72396  
Revised Code; 72397

(3) Establish early learning program guidelines for school 72398  
readiness to assess the operation of early learning programs. 72399

(E) Any entity that seeks to be an early learning agency 72400  
shall apply to the Department of Education by a deadline 72401  
established by the Department. The Department of Education shall 72402  
select entities that meet the criteria established under division 72403  
(D)(2) of this section to be early learning agencies. Upon 72404  
selection of an entity to be an early learning agency, the 72405  
Department of Education shall designate the number of eligible 72406  
children the agency may enroll. The Department of Education shall 72407  
notify the Department of Job and Family Services of the number so 72408  
designated. 72409

(F) The Department of Education and the Department of Job and 72410  
Family Services shall enter into a contract with each early 72411  
learning agency selected under division (E) of this section. The 72412  
requirements of section 127.16 of the Revised Code do not apply to 72413  
contracts entered into under this section. The contract shall 72414  
outline the terms and conditions applicable to the provision of 72415  
Title IV-A services for eligible children and shall include at 72416  
least the following: 72417

(1) The respective duties of the early learning agency, the 72418  
Department of Education, and the Department of Job and Family 72419  
Services; 72420

(2) Requirements applicable to the allowable use of and 72421  
accountability for Title IV-A compensation paid under the 72422  
contract; 72423

(3) Reporting requirements, including a requirement that the 72424



early learning provider inform the Department of Education when	72425
the provider learns that a kindergarten eligible child will not be	72426
enrolled in kindergarten;	72427
(4) The compensation schedule payable under the contract;	72428
(5) Audit requirements;	72429
(6) Provisions for suspending, modifying, or terminating the	72430
contract.	72431
(G) If an early learning agency, or an early learning	72432
provider operating an early learning program on the agency's	72433
behalf, substantially fails to meet the early learning program	72434
guidelines for school readiness or exhibits substandard	72435
performance, as determined by the Department of Education, the	72436
agency shall develop and implement a corrective action plan. The	72437
Department of Education shall approve the corrective action plan	72438
prior to implementation.	72439
(H) If an early learning agency fails to implement a	72440
corrective action plan under division (G) of this section, the	72441
Department of Education may direct the Department of Job and	72442
Family Services to either withhold funding or request that the	72443
Department of Job and Family Services suspend or terminate the	72444
contract with the agency.	72445
(I) Each early learning program shall do all of the	72446
following:	72447
(1) Meet teacher qualification requirements prescribed by	72448
section 3301.311 of the Revised Code;	72449
(2) Align curriculum to the early learning content standards;	72450
(3) Meet any assessment requirements prescribed by section	72451
3301.0715 of the Revised Code that apply to the program;	72452
(4) Require teachers, except teachers enrolled and working to	72453
obtain a degree pursuant to section 3301.311 of the Revised Code,	72454

to attend a minimum of twenty hours per biennium of professional 72455  
development as prescribed by the Department of Education regarding 72456  
the implementation of early learning program guidelines for school 72457  
readiness; 72458

(5) Document and report child progress; 72459

(6) Meet and report compliance with the early learning 72460  
program guidelines for school success; 72461

(7) Participate in early language and literacy classroom 72462  
observation evaluation studies. 72463

(J) Each county Department of Job and Family Services shall 72464  
determine eligibility for Title IV-A services for children seeking 72465  
to enroll in an early learning program within fifteen days after 72466  
receipt of a completed application in accordance with rules 72467  
adopted under this section. 72468

(K) The provision of early learning services in an early 72469  
learning program shall not prohibit or otherwise prevent an 72470  
individual from obtaining certificates for payment under division 72471  
(C) of section 5104.32 of the Revised Code. 72472

(L) Notwithstanding section 126.07 of the Revised Code: 72473

(1) Any fiscal year 2008 contract executed prior to July 1, 72474  
2007, between the Departments of Job and Family Services and 72475  
Education and an early learning agency that was not an early 72476  
learning agency as of June 30, 2007, shall be deemed to be 72477  
effective as of July 1, 2007, upon issuance of a state purchase 72478  
order, even if the purchase order is approved at some later date. 72479

(2) Any fiscal year 2008 contract executed between the 72480  
Departments of Job and Family Services and Education and an early 72481  
learning agency that had a valid contract for early learning 72482  
services on June 30, 2007, shall be deemed to be effective as of 72483  
July 1, 2007, upon the issuance of a state purchase order, even if 72484

the purchase order is approved at some later date. 72485

(3) Any fiscal year 2009 contract executed prior to July 1, 72486  
2008, between the Departments of Job and Family Services and 72487  
Education and an early learning agency that was not an early 72488  
learning agency as of June 30, 2008, shall be deemed to be 72489  
effective as of July 1, 2008, upon issuance of a state purchase 72490  
order, even if the purchase order is approved at some later date. 72491

(4) Any fiscal year 2009 contract executed between the 72492  
Departments of Job and Family Services and Education and an early 72493  
learning agency that had a valid contract for early learning 72494  
services on June 30, 2008, shall be deemed to be effective as of 72495  
July 1, 2008, upon the issuance of a state purchase order, even if 72496  
the purchase order is approved at some later date. 72497

(M) Of the foregoing appropriation item 600-689, TANF Block 72498  
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 72499  
year to compensate early learning agencies under this section. The 72500  
Departments of Job and Family Services and Education shall 72501  
contract for up to 12,000 enrollment slots for eligible children 72502  
in each fiscal year through the Early Learning Initiative. 72503

(N) Of the foregoing appropriation item 600-689, TANF Block 72504  
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 72505  
by the Department of Job and Family Services for administration of 72506  
the Early Learning Initiative. 72507

(O) Up to \$2,200,000 in each fiscal year may be used by the 72508  
Department of Education to perform administrative functions for 72509  
the Early Learning Initiative. The Department of Job and Family 72510  
Services shall transfer, through intrastate transfer vouchers, 72511  
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 72512  
Initiative, in the Department of Education. The amount transferred 72513  
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 72514  
fiscal year 2009. The transfer shall occur on a reimbursement 72515

basis on a schedule developed and agreed to by both departments. 72516

**Section 309.50. CHILDREN AND FAMILIES** 72517

**Section 309.50.03. FOSTER CARE REFORM** 72518

Of the foregoing appropriation item 600-423, Office of 72519  
Children and Families, \$1,300,000 in each fiscal year shall be 72520  
used to pay for foster care audit workers and related 72521  
administrative expenses for state staff. 72522

Of the foregoing appropriation item 600-523, Children and 72523  
Families Services, \$9,100,000 in each fiscal year shall be 72524  
provided to counties for foster care related expenses, including, 72525  
but not limited to, upfront services, counseling, intake workers, 72526  
foster care staff, case workers, and trainers. 72527

**Section 309.50.06. ADULT PROTECTIVE SERVICES** 72528

The foregoing appropriation item 600-534, Adult Protective 72529  
Services, shall be distributed to counties for the provision of 72530  
services to adults who are in need of protective services. The 72531  
Department of Job and Family Services shall adopt rules in 72532  
accordance with Chapter 119. of the Revised Code to establish a 72533  
formula for distribution of the moneys to the counties, including 72534  
a requirement that counties put forth a maintenance of effort to 72535  
be eligible for these moneys ensuring that these moneys are in 72536  
addition to dollars currently spent on adult protective service 72537  
efforts and not used to replace other sources of funding. 72538

**Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE** 72539

In each fiscal year, the Department of Job and Family 72540  
Services shall grant \$50,000 from appropriation item 600-528, 72541  
Adoption Services, and \$150,000 from appropriation item 600-606, 72542  
Child Welfare (Fund 327), to the National Center for Adoption Law 72543

and Policy to fund a multi-disciplinary child welfare training 72544  
initiative. The Department of Job and Family Services shall 72545  
coordinate with the National Center for Adoption Law and Policy to 72546  
determine the focus of the training provided each year. 72547

**ADOPTION LAWSITE INITIATIVE** 72548

In each fiscal year, the Department of Job and Family 72549  
Services shall grant \$37,500 from appropriation item 600-528, 72550  
Adoption Services, and \$112,500 from appropriation item 600-606, 72551  
Child Welfare (Fund 327), to the National Center for Adoption Law 72552  
and Policy to fund expansion of the Adoption LawSite Initiative. 72553

**Section 309.50.20. CHILDREN'S TRUST FUND** 72554

Notwithstanding sections 3109.13 to 3109.18 of the Revised 72555  
Code, in each fiscal year, the Director of Budget and Management 72556  
shall transfer \$1,500,000 cash from the Children's Trust Fund 72557  
(Fund 198) in the Department of Job and Family Services to the 72558  
Partnerships for Success Fund (Fund 5BH) in the Department of 72559  
Youth Services. 72560

**Section 309.50.50. VISITING NURSE ASSOCIATION - READY SENIORS** 72561

Notwithstanding section 5101.46 of the Revised Code and prior 72562  
to allocations for administration and training, of the foregoing 72563  
appropriation item 600-620, Social Services Block Grant, up to 72564  
\$250,000 in each fiscal year shall be reimbursed to the Visiting 72565  
Nurses Association of Cleveland, pursuant to a grant agreement 72566  
entered into by the Visiting Nurses Association of Cleveland and 72567  
the Department of Job and Family Services, for costs of expanding 72568  
the Ready Seniors software program that are allowable under state 72569  
and federal law governing the use of the Block Grant. 72570

**Section 309.50.60. CHILD PLACEMENT LEVEL OF CARE TOOL PILOT** 72571

(A) The Department of Job and Family Services shall develop, 72572

implement, and oversee use of a Child Placement Level of Care Tool 72573  
on a pilot basis. The Department shall implement the pilot program 72574  
in Cuyahoga County and not more than nine additional counties 72575  
selected by the Department. The pilot program shall be developed 72576  
by the participating counties and must be acceptable to all 72577  
participating counties. A selected county must agree to 72578  
participate in the pilot program. 72579

(B) The pilot program shall begin not later than July 1, 72580  
2008, and end not later than December 31, 2009. The length of the 72581  
program shall not include any time expended in preparation for 72582  
implementation or any post-pilot program evaluation activity. 72583

(C)(1) In accordance with sections 125.01 to 125.11 of the 72584  
Revised Code, the Department of Job and Family Services shall 72585  
designate a person to independently evaluate the pilot program to 72586  
rate the program's success in the following areas: 72587

(a) Placement stability, length of stay, and other outcomes 72588  
for children; 72589

(b) Cost; 72590

(c) Worker satisfaction; 72591

(d) Any other criteria the Department determines will be 72592  
useful in the consideration of statewide implementation. 72593

(2) The evaluation design shall include: 72594

(a) A comparison of data to historical outcomes or control 72595  
counties; 72596

(b) A retrospective data review of Cuyahoga County's use of 72597  
the tool; 72598

(c) A prospective data evaluation in each of the ten pilot 72599  
counties. 72600

(D) The Department of Mental Health shall conduct a study of 72601  
a sample of the children placed using the Child Placement Level of 72602

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 to conduct the Ohio Scales Tool evaluation. Upon completion of the study, the Department of Mental Health shall send a copy of the results of the study to the independent evaluator designated under division (C) of this section.

(E) The independent evaluator of the Child Placement Level of Care Tool designated under division (C) of this section shall compare the evaluation of the Child Placement Level of Care Tool conducted pursuant to division (C) of this section to the study of the Ohio Scales Tool conducted under division (D) of this section. The comparison shall focus on analyzing any correlations between the placement stability outcomes associated with the Level of Care Tool and the behavioral health level of functioning outcomes associated with the Ohio Scales Tool. The independent evaluator shall send a copy of the evaluator's initial evaluation of the Child Placement Level of Care Tool, the Department of Mental Health study, and the comparison to the Department of Job and Family Services.

(F) The Department of Job and Family Services may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section. The Department shall seek maximum federal financial participation to support the pilot and the evaluation.

(G) Notwithstanding division (E) of section 5101.141 of the Revised Code, the Department of Job and Family Services shall use up to \$1,000,000 of appropriation item 600-663, Children and

Family Support, over the biennium to implement the Child Placement Level of Care Tool pilot program described in this section and to contract for the independent evaluation of the pilot program.

(H) As used in this section:

(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 309.50.80. EARLY CARE AND EDUCATION**

Before July 1, 2008, the departments of Job and Family Services and Education shall develop a fiscal model bringing together early care and education programs under one funding system that will provide all children with access to affordable quality care and education.

**Section 309.70. WORKFORCE DEVELOPMENT**



**Section 309.70.10.** TRANSFER TO THE MILITARY INJURY RELIEF 72663  
FUND 72664

In each year of the biennium, the Director of Job and Family 72665  
Services shall certify to the Director of Budget and Management 72666  
the total amount of incentive grants deposited into Fund 331, 72667  
Federal Operating, on behalf of state and county employees and 72668  
other individuals, entities, and persons with exemplary service to 72669  
veterans under an approved employment service delivery program 72670  
defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as 72671  
approved by the United States Department of Labor. The Director of 72672  
Budget and Management shall transfer cash equal to the amount 72673  
certified by the Director of Job and Family Services from Fund 331 72674  
to Fund 5DB, Military Injury Relief Fund. The transferred funds 72675  
shall be used to support grants to eligible individuals under 72676  
section 5101.98 of the Revised Code and rules adopted in 72677  
accordance with that section. 72678

**Section 309.70.20.** WORKFORCE DEVELOPMENT GRANT AGREEMENT 72679

The Department of Job and Family Services may use 72680  
appropriations from appropriation item 600-688, Workforce 72681  
Investment Act, to provide financial assistance for workforce 72682  
development activities included in a grant agreement entered into 72683  
by the department in accordance with section 5101.20 of the 72684  
Revised Code. 72685

OHIO STATE APPRENTICESHIP COUNCIL 72686

Of the foregoing appropriation item 600-688, Workforce 72687  
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 72688  
\$2,200,000 in fiscal year 2009 may be used to support the 72689  
activities of the Ohio State Apprenticeship Council. 72690

YOUTH EMPLOYMENT PROGRAMS 72691

Of the foregoing appropriation item 600-688, Workforce 72692

Investment Act, up to \$6,000,000 over the biennium shall be used 72693  
for competitive grants to eight major urban centers and four other 72694  
locations, at least two of which are rural, to provide strategies 72695  
and programs that meet the needs of at-risk youth. The program 72696  
shall target youth who have disengaged from the education system 72697  
and youthful offenders who will be returning to their communities. 72698  
Eligible grant applications include governmental units, workforce 72699  
investment boards, and not-for-profit and for-profit entities. 72700  
Grant funds may be used for youth wages and benefits, supervisory 72701  
costs, training and support costs, and infrastructure expenses. 72702  
Grant funds may not be used for construction or renovation of 72703  
facilities. 72704

THIRD FRONTIER INTERNSHIP PROGRAM 72705

Of the foregoing appropriation item 600-688, Workforce 72706  
Investment Act, \$1,500,000 in each fiscal year shall be used to 72707  
support the Third Frontier Internship program. 72708

NURSE EDUCATION ASSISTANCE 72709

Of the foregoing appropriation item 600-688, Workforce 72710  
Investment Act, \$700,000 in each fiscal year shall be used to 72711  
support the Nurse Education Assistance program described in 72712  
division (C)(1)(a) of section 3333.28 of the Revised Code. 72713

**Section 309.80. UNEMPLOYMENT COMPENSATION** 72714

**Section 309.80.10. EMPLOYER SURCHARGE** 72715

The surcharge and the interest on the surcharge amounts due 72716  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 72717  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 72718  
118th General Assembly, and section 4141.251 of the Revised Code 72719  
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 72720  
General Assembly, again shall be assessed and collected by, 72721  
accounted for, and made available to the Department of Job and 72722

Family Services in the same manner as set forth in section 72723  
4141.251 of the Revised Code as it existed prior to its repeal by 72724  
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 72725  
repeal of the surcharge for calendar years after 1990, pursuant to 72726  
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 72727  
received by the Director on or after July 1, 2001, shall be 72728  
deposited into the Unemployment Compensation Special 72729  
Administrative Fund (Fund 4A9) established pursuant to section 72730  
4141.11 of the Revised Code. 72731

**Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS** 72732

All unexpended funds remaining at the end of fiscal year 2007 72733  
that were appropriated and made available to the state under 72734  
section 903(d) of the Social Security Act, as amended, in the 72735  
foregoing appropriation item 600-678, Federal Unemployment 72736  
Programs (Fund 3V4), are hereby appropriated to the Department of 72737  
Job and Family Services. Upon the request of the Director of Job 72738  
and Family Services, the Director of Budget and Management may 72739  
increase the appropriation for fiscal year 2008 by the amount 72740  
remaining unspent from the fiscal year 2007 appropriation and may 72741  
increase the appropriation for fiscal year 2009 by the amount 72742  
remaining unspent from the fiscal year 2008 appropriation. The 72743  
appropriation shall be used under the direction of the Department 72744  
of Job and Family Services to pay for administrative activities 72745  
for the Unemployment Insurance Program, employment services, and 72746  
other allowable expenditures under section 903(d) of the Social 72747  
Security Act, as amended. 72748

The amounts obligated pursuant to this section shall not 72749  
exceed at any time the amount by which the aggregate of the 72750  
amounts transferred to the account of the state under section 72751  
903(d) of the Social Security Act, as amended, exceeds the 72752  
aggregate of the amounts obligated for administration and paid out 72753

for benefits and required by law to be charged against the amounts 72754  
transferred to the account of the state. 72755

**Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS** 72756

Each Medicaid provider agreement that is not time-limited on 72757  
the effective date of section 5111.028 of the Revised Code, as 72758  
enacted by this act, shall be converted by the Department of Job 72759  
and Family Services into a time-limited provider agreement. The 72760  
converted provider agreement shall expire three years from 72761  
effective date of the conversion. The Department shall notify the 72762  
provider in writing that provider agreement has been converted 72763  
into a time-limited provider agreement. 72764

Notwithstanding division (B) of section 5111.06 of the 72765  
Revised Code, the Department is not required to issue an order 72766  
pursuant to an adjudication conducted in accordance with Chapter 72767  
119. of the Revised Code when converting a provider agreement 72768  
under this section. 72769

**Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO** 72770

General Revenue Fund 72771

GRF 018-321 Operating Expenses \$ 985,710 \$ 1,015,281 72772

TOTAL GRF General Revenue Fund \$ 985,710 \$ 1,015,281 72773

General Services Fund Group 72774

403 018-601 Ohio Jury Instructions \$ 350,000 \$ 350,000 72775

TOTAL GSF General Services Fund \$ 350,000 \$ 350,000 72776

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,335,710 \$ 1,365,281 72777

**STATE COUNCIL OF UNIFORM STATE LAWS** 72778

Notwithstanding section 105.26 of the Revised Code, of the 72779  
foregoing appropriation item 018-321, Operating Expenses, up to 72780  
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 72781

may be used to pay the expenses of the State Council of Uniform 72782  
State Laws, including membership dues to the National Conference 72783  
of Commissioners on Uniform State Laws. 72784

OHIO JURY INSTRUCTIONS FUND 72785

The Ohio Jury Instructions Fund (Fund 403) shall consist of 72786  
grants, royalties, dues, conference fees, bequests, devises, and 72787  
other gifts received for the purpose of supporting costs incurred 72788  
by the Judicial Conference of Ohio in dispensing educational and 72789  
informational data to the state's judicial system. Fund 403 shall 72790  
be used by the Judicial Conference of Ohio to pay expenses 72791  
incurred in dispensing educational and informational data to the 72792  
state's judicial system. All moneys accruing to Fund 403 in excess 72793  
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 72794  
fiscal year 2009 are hereby appropriated for the purposes 72795  
authorized. 72796

No money in the Ohio Jury Instructions Fund shall be 72797  
transferred to any other fund by the Director of Budget and 72798  
Management or the Controlling Board. 72799

**Section 313.10.** JSC THE JUDICIARY/SUPREME COURT 72800

General Revenue Fund 72801

GRF 005-321 Operating Expenses - \$ 127,778,192 \$ 133,144,970 72802  
Judiciary/Supreme  
Court

GRF 005-401 State Criminal \$ 331,500 \$ 336,770 72803  
Sentencing Council

GRF 005-406 Law-Related Education \$ 229,290 \$ 236,172 72804

GRF 005-409 Ohio Courts Technology \$ 4,000,000 \$ 6,500,000 72805  
Initiative

GRF 005-502 Legal Education \$ 250,000 \$ 350,000 72806  
Opportunity

TOTAL GRF General Revenue Fund	\$	132,588,982	\$	140,567,912	72807
General Services Fund Group					72808
672 005-601 Continuing Judicial	\$	136,000	\$	140,000	72809
Education					
TOTAL GSF General Services Fund	\$	136,000	\$	140,000	72810
Group					
Federal Special Revenue Fund Group					72811
3J0 005-603 Federal Grants	\$	1,518,491	\$	1,467,693	72812
TOTAL FED Federal Special Revenue	\$	1,518,491	\$	1,467,693	72813
Fund Group					
State Special Revenue Fund Group					72814
4C8 005-605 Attorney Services	\$	3,841,416	\$	3,936,058	72815
5T8 005-609 Grants and Awards	\$	100,000	\$	100,000	72816
6A8 005-606 Supreme Court	\$	1,496,633	\$	1,541,532	72817
Admissions					
TOTAL SSR State Special Revenue	\$	5,438,049	\$	5,577,590	72818
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	139,681,522	\$	147,753,195	72819
LAW-RELATED EDUCATION					72820
The foregoing appropriation item 005-406, Law-Related					72821
Education, shall be distributed directly to the Ohio Center for					72822
Law-Related Education for the purposes of providing continuing					72823
citizenship education activities to primary and secondary					72824
students, expanding delinquency prevention programs, increasing					72825
activities for at-risk youth, and accessing additional public and					72826
private money for new programs.					72827
OHIO COURTS TECHNOLOGY INITIATIVE					72828
The foregoing appropriation item 005-409, Ohio Courts					72829
Technology Initiative, shall be used to fund an initiative by the					72830
Supreme Court to facilitate the exchange of information and					72831
warehousing of data by and between Ohio courts and other justice					72832

system partners through the creation of an Ohio Courts Network, 72833  
the delivery of technology services to courts throughout the 72834  
state, including the provision of hardware, software, and the 72835  
development and implementation of educational and training 72836  
programs for judges and court personnel, and the creation and 72837  
operation of the Commission on Technology and the Courts by the 72838  
Supreme Court for the promulgation of statewide rules, policies, 72839  
and uniform standards, and to aid in the orderly adoption and 72840  
comprehensive use of technology in Ohio courts. 72841

LEGAL EDUCATION OPPORTUNITY 72842

The foregoing appropriation item 005-502, Legal Education 72843  
Opportunity, shall be used to fund activities undertaken at the 72844  
direction of the Chief Justice of the Supreme Court for purposes 72845  
of introducing minority, low-income, and educationally 72846  
disadvantaged Ohio students to the legal system and providing 72847  
educational opportunities to those same students who are preparing 72848  
for college and interested in the pursuit of a legal career. The 72849  
foregoing appropriation item 005-502, Legal Education Opportunity, 72850  
may be used by the Supreme Court, in cooperation with other 72851  
entities, to establish and provide programs, courses, and 72852  
activities consistent with the purposes set forth in this 72853  
paragraph and to pay the associated administrative costs. 72854

CONTINUING JUDICIAL EDUCATION 72855

The Continuing Judicial Education Fund (Fund 672) shall 72856  
consist of fees paid by judges and court personnel for attending 72857  
continuing education courses and other gifts and grants received 72858  
for the purpose of continuing judicial education. The foregoing 72859  
appropriation item 005-601, Continuing Judicial Education, shall 72860  
be used to pay expenses for continuing education courses for 72861  
judges and court personnel. If it is determined by the 72862  
Administrative Director of the Supreme Court that additional 72863  
appropriations are necessary, the amounts are hereby appropriated. 72864

No money in the Continuing Judicial Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Judicial Education Fund shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J0) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005-603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in the Federal Grants Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in the Federal Grants Fund shall be credited or transferred to the General Revenue Fund.

ATTORNEY SERVICES

The Attorney Services Fund (Fund 4C8), formerly known as the Attorney Registration Fund, shall consist of moneys received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005-605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances



and Discipline, the Clients' Security Fund, and the Attorney Services Division. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Attorney Services Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Attorney Services Fund shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T8) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005-609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Grants and Awards Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in the Grants and Awards Fund shall be credited or transferred to the General Revenue Fund.

SUPREME COURT ADMISSIONS

The foregoing appropriation item 005-606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A8) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the

Administrative Director of the Supreme Court that additional 72927  
appropriations are necessary, the amounts are hereby appropriated. 72928

No moneys in the Supreme Court Admissions Fund shall be 72929  
transferred to any other fund by the Director of Budget and 72930  
Management or the Controlling Board. Interest earned on moneys in 72931  
the Supreme Court Admissions Fund shall be credited to the fund. 72932

FUND ELIMINATION 72933

Effective July 1, 2007, or as soon as practicable thereafter, 72934  
the Director of Budget and Management shall transfer the cash 72935  
balance in the Commission on Continuing Legal Education Fund (Fund 72936  
643) to the Attorney Services Fund (Fund 4C8). The director shall 72937  
cancel any existing encumbrances against appropriation item 72938  
005-607, Commission on Continuing Legal Education, and 72939  
re-establish them against appropriation item 005-605, Attorney 72940  
Services. The amounts of the re-established encumbrances are 72941  
hereby appropriated. Upon completion of these transfers, the 72942  
Commission on Continuing Legal Education Fund (Fund 643) is hereby 72943  
abolished. 72944

TRANSFER OF UNENCUMBERED GRF APPROPRIATION AUTHORITY FOR 72945  
INDIGENT DEFENSE 72946

On July 1, 2008, or as soon as practicable thereafter, the 72947  
Administrative Director of the Supreme Court shall certify to the 72948  
Director of Budget and Management the total fiscal year 2008 72949  
unencumbered appropriations in appropriation item 005-321, 72950  
Operating Expenses - Judiciary/Supreme Court. The Director of 72951  
Budget and Management shall transfer that certified amount of 72952  
unencumbered fiscal year 2008 appropriations to fiscal year 2009 72953  
for use within the Ohio Public Defender Commission's appropriation 72954  
item 019-501, County Reimbursement. The amount certified and 72955  
transferred is hereby appropriated to the Ohio Public Defender 72956  
Commission's appropriation item 019-501, County Reimbursement, in 72957

fiscal year 2009. 72958

**Section 315.10. LEC LAKE ERIE COMMISSION** 72959

State Special Revenue Fund Group 72960

4C0 780-601 Lake Erie Protection \$ 450,000 \$ 450,000 72961

Fund

5D8 780-602 Lake Erie Resources \$ 387,000 \$ 388,000 72962

Fund

TOTAL SSR State Special Revenue 72963

Fund Group \$ 837,000 \$ 838,000 72964

TOTAL ALL BUDGET FUND GROUPS \$ 837,000 \$ 838,000 72965

**CASH TRANSFER** 72966

Not later than the thirtieth day of November of each fiscal 72967  
year, the Executive Director of the Ohio Lake Erie Office, with 72968  
the approval of the Lake Erie Commission, shall certify to the 72969  
Director of Budget and Management the cash balance in the Lake 72970  
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 72971  
operating expenses of the Lake Erie Office. The Lake Erie Office 72972  
may request the Director of Budget and Management to transfer up 72973  
to the certified amount from the Lake Erie Resources Fund (Fund 72974  
5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 72975  
Budget and Management may transfer the requested amount, or the 72976  
Director may transfer a different amount up to the certified 72977  
amount. Cash transferred shall be used for the purposes described 72978  
in division (A) of section 1506.23 of the Revised Code. The amount 72979  
transferred by the director is hereby appropriated to the 72980  
foregoing appropriation item 780-601, Lake Erie Protection Fund, 72981  
which shall be increased by the amount transferred. 72982

**Section 317.10. LRS LEGAL RIGHTS SERVICE** 72983

General Revenue Fund 72984

GRF 054-321 Support Services \$ 198,075 \$ 198,075 72985

GRF 054-401	Ombudsman	\$	291,247	\$	291,247	72986
TOTAL GRF	General Revenue Fund	\$	489,322	\$	489,322	72987
General Services Fund Group						72988
5M0 054-610	Program Support	\$	81,352	\$	81,352	72989
TOTAL GSF	General Services					72990
Fund Group		\$	81,352	\$	81,352	72991
Federal Special Revenue Fund Group						72992
3AG 054-613	Protection and Advocacy - Voter Accessibility	\$	115,000	\$	115,000	72993
3B8 054-603	Protection and Advocacy - Mentally Ill	\$	1,089,999	\$	1,089,999	72994
3CA 054-615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	72995
3N3 054-606	Protection and Advocacy - Individual Rights	\$	560,000	\$	560,000	72996
3N9 054-607	Assistive Technology	\$	160,000	\$	160,000	72997
3R9 054-604	Family Support Collaborative	\$	55,000	\$	55,000	72998
3R9 054-616	Developmental Disability Publications	\$	130,000	\$	130,000	72999
3T2 054-609	Client Assistance Program	\$	435,000	\$	435,000	73000
3X1 054-611	Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$	235,001	73001
3Z6 054-612	Traumatic Brain Injury	\$	70,000	\$	70,000	73002

305 054-602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	73003
TOTAL FED	Federal Special Revenue					73004
Fund Group		\$	4,705,000	\$	4,705,000	73005
State Special Revenue	Fund Group					73006
5AE 054-614	Grants and Contracts	\$	100,000	\$	100,000	73007
TOTAL SSR	State Special Revenue	\$	100,000	\$	100,000	73008
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	5,375,674	\$	5,375,674	73009
<b>Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>						73011
General Revenue Fund						73012
GRF 028-321	Legislative Ethics Committee	\$	550,000	\$	550,000	73013
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	73014
General Services Fund Group						73015
4G7 028-601	Joint Legislative Ethics Committee	\$	100,000	\$	100,000	73016
TOTAL GSF	General Services Fund Group	\$	100,000	\$	100,000	73017
TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	73018
<b>Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION</b>						73019
General Revenue Fund						73020
GRF 035-321	Operating Expenses	\$	15,167,700	\$	15,167,700	73021
GRF 035-402	Legislative Interns	\$	1,022,120	\$	1,022,120	73022
GRF 035-405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	73023
GRF 035-409	National Associations	\$	460,560	\$	460,560	73024

GRF 035-410	Legislative	\$	3,661,250	\$	3,661,250	73025
	Information Systems					
TOTAL GRF	General Revenue Fund	\$	20,750,530	\$	20,750,530	73026
	General Services Fund Group					73027
4F6 035-603	Legislative Budget	\$	154,025	\$	154,025	73028
	Services					
410 035-601	Sale of Publications	\$	25,250	\$	25,250	73029
5EF 035-607	House and Senate	\$	30,000	\$	30,000	73030
	Telephone Usage					
TOTAL GSF	General Services					73031
	Fund Group	\$	209,275	\$	209,275	73032
TOTAL ALL BUDGET FUND GROUPS		\$	20,959,805	\$	20,959,805	73033
	JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM					73034
	Of the foregoing appropriation item 035-321, Operating					73035
	Expenses, \$100,000 in each fiscal year shall be used for costs					73036
	associated with employing an executive director for the Joint					73037
	Legislative Committee on Medicaid Technology and Reform as					73038
	authorized by division (C) of section 101.391 of the Revised Code.					73039
	OHIO ECONOMIC ANALYSIS					73040
	Of the foregoing appropriation item 035-321, Operating					73041
	Expenses, up to \$250,000 in each fiscal year shall be used to					73042
	contract with a person, business, or other entity to provide the					73043
	General Assembly with additional revenue forecasting and analysis					73044
	of the Ohio economy.					73045
	<b>Section 323.10. LIB STATE LIBRARY BOARD</b>					73046
	General Revenue Fund					73047
GRF 350-321	Operating Expenses	\$	6,298,677	\$	6,298,677	73048
GRF 350-400	Ohio Public Library	\$	4,330,000	\$	4,330,000	73049
	Information Network					
GRF 350-401	Ohioana Rental	\$	124,816	\$	124,816	73050

	Payments			
GRF 350-501	Library for the	\$ 535,615	\$ 535,615	73051
	Blind-Cincinnati			
GRF 350-502	Regional Library	\$ 1,010,441	\$ 1,010,441	73052
	Systems			
GRF 350-503	Library for the	\$ 805,642	\$ 805,642	73053
	Blind-Cleveland			
TOTAL GRF	General Revenue Fund	\$ 13,105,191	\$ 13,105,191	73054
	General Services Fund Group			73055
139 350-602	Intra-Agency Service	\$ 9,000	\$ 9,000	73056
	Charges			
4S4 350-604	Ohio Public Library	\$ 3,000,000	\$ 3,000,000	73057
	Information Network			
	Technology			
459 350-602	Library Service	\$ 2,708,092	\$ 2,708,092	73058
	Charges			
TOTAL GSF	General Services			73059
	Fund Group	\$ 5,717,092	\$ 5,717,092	73060
	Federal Special Revenue Fund Group			73061
313 350-601	LSTA Federal	\$ 5,691,792	\$ 5,691,792	73062
TOTAL FED	Federal Special Revenue			73063
	Fund Group	\$ 5,691,792	\$ 5,691,792	73064
TOTAL ALL BUDGET FUND GROUPS		\$ 24,514,075	\$ 24,514,075	73065
	OHIOANA RENTAL PAYMENTS			73066
	The foregoing appropriation item 350-401, Ohioana Rental			73067
	Payments, shall be used to pay the rental expenses of the Martha			73068
	Kinney Cooper Ohioana Library Association pursuant to section			73069
	3375.61 of the Revised Code.			73070
	LIBRARY FOR THE BLIND-CINCINNATI			73071
	The foregoing appropriation item 350-501, Library for the			73072
	Blind-Cincinnati, shall be used for the Talking Book program,			73073

which assists the blind and disabled. 73074

REGIONAL LIBRARY SYSTEMS 73075

The foregoing appropriation item 350-502, Regional Library 73076  
Systems, shall be used to support regional library systems 73077  
eligible for funding under sections 3375.83 and 3375.90 of the 73078  
Revised Code. 73079

LIBRARY FOR THE BLIND-CLEVELAND 73080

The foregoing appropriation item 350-503, Library for the 73081  
Blind-Cleveland, shall be used for the Talking Book program, which 73082  
assists the blind and disabled. 73083

OHIO PUBLIC LIBRARY INFORMATION NETWORK 73084

The foregoing appropriation items 350-604, Ohio Public 73085  
Library Information Network Technology, and 350-400, Ohio Public 73086  
Library Information Network, shall be used for an information 73087  
telecommunications network linking public libraries in the state 73088  
and such others as may be certified as participants by the Ohio 73089  
Public Library Information Network Board. 73090

The Ohio Public Library Information Network Board shall 73091  
consist of eleven members appointed by the State Library Board 73092  
from among the staff of public libraries and past and present 73093  
members of boards of trustees of public libraries, based on the 73094  
recommendations of the Ohio library community. The Ohio Public 73095  
Library Information Network Board, in consultation with the State 73096  
Library, shall develop a plan of operations for the network. The 73097  
board may make decisions regarding use of the foregoing 73098  
appropriation items 350-400, Ohio Public Library Information 73099  
Network, and 350-604, Ohio Public Library Information Network 73100  
Technology, may receive and expend grants to carry out the 73101  
operations of the network in accordance with state law and the 73102  
authority to appoint and fix the compensation of a director and 73103  
necessary staff. The State Library shall be the fiscal agent for 73104



the network and shall have fiscal accountability for the 73105  
expenditure of funds. The Ohio Public Library Information Network 73106  
Board members shall be reimbursed for actual travel and necessary 73107  
expenses incurred in carrying out their responsibilities. 73108

In order to limit access to obscene and illegal materials 73109  
through internet use at Ohio Public Library Information Network 73110  
(OPLIN) terminals, local libraries with OPLIN computer terminals 73111  
shall adopt policies that control access to obscene and illegal 73112  
materials. These policies may include use of technological systems 73113  
to select or block certain internet access. The OPLIN shall 73114  
condition provision of its funds, goods, and services on 73115  
compliance with these policies. The OPLIN Board shall also adopt 73116  
and communicate specific recommendations to local libraries on 73117  
methods to control such improper usage. These methods may include 73118  
each library implementing a written policy controlling such 73119  
improper use of library terminals and requirements for parental 73120  
involvement or written authorization for juvenile internet usage. 73121

Of the foregoing appropriation item 350-400, Ohio Public 73122  
Library Information Network, up to \$100,000 in each fiscal year 73123  
shall be used to help local libraries purchase or maintain filters 73124  
to screen out obscene and illegal internet materials. 73125

The OPLIN Board shall research and assist or advise local 73126  
libraries with regard to emerging technologies and methods that 73127  
may be effective means to control access to obscene and illegal 73128  
materials. The OPLIN Executive Director shall biannually provide 73129  
written reports to the Governor, the Speaker and Minority Leader 73130  
of the House of Representatives, and the President and Minority 73131  
Leader of the Senate on any steps being taken by OPLIN and public 73132  
libraries in the state to limit and control such improper usage as 73133  
well as information on technological, legal, and law enforcement 73134  
trends nationally and internationally affecting this area of 73135  
public access and service. 73136

The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

<b>Section 325.10. LCO LIQUOR CONTROL COMMISSION</b>			73142
Liquor Control Fund Group			73143
043 970-321 Operating Expenses	\$	743,093	\$ 772,524 73144
TOTAL LCF Liquor Control Fund Group	\$	743,093	\$ 772,524 73145
TOTAL ALL BUDGET FUND GROUPS	\$	743,093	\$ 772,524 73146

<b>Section 327.10. LOT STATE LOTTERY COMMISSION</b>			73148
General Services Fund Group			73149
231 950-604 Charitable Gaming	\$	2,253,000	\$ 2,378,000 73150
Oversight			
TOTAL GSF General Services Fund	\$	2,253,000	\$ 2,378,000 73151
Group			
State Lottery Fund Group			73152
044 950-100 Personal Services	\$	25,945,116	\$ 27,085,265 73153
044 950-200 Maintenance	\$	18,748,274	\$ 18,693,328 73154
044 950-300 Equipment	\$	2,554,500	\$ 2,446,500 73155
044 950-402 Advertising Contracts	\$	21,250,000	\$ 21,250,000 73156
044 950-403 Gaming Contracts	\$	50,419,360	\$ 51,250,704 73157
044 950-500 Problem Gambling	\$	335,000	\$ 335,000 73158
Subsidy			
044 950-601 Direct Prize Payments	\$	147,716,286	\$ 147,716,286 73159
871 950-602 Annuity Prizes	\$	151,724,305	\$ 151,724,305 73160
TOTAL SLF State Lottery Fund			73161
Group	\$	418,692,841	\$ 420,501,388 73162
TOTAL ALL BUDGET FUND GROUPS	\$	420,945,841	\$ 422,879,388 73163

OPERATING EXPENSES 73164

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize additional appropriations for operating expenses of the State Lottery Commission from the State Lottery Fund up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950-601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.

ANNUITY PRIZES

With the approval of the Office of Budget and Management, the State Lottery Commission shall transfer cash from the State Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund (Fund 871) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 871) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950-602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

The Ohio Lottery Commission shall transfer an amount greater than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000 in fiscal year 2009 to the Lottery Profits Education Fund. Transfers from the Commission to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2008 and fiscal year 2009. Transfers

by the Commission to the Lottery Profits Education Fund shall be 73196  
administered as the statutes direct. 73197

**Section 329.10. MHC MANUFACTURED HOMES COMMISSION 73198**

General Services Fund Group 73199  
4K9 996-609 Operating Expenses \$ 418,122 \$ 434,671 73200  
TOTAL GSF General Services 73201  
Fund Group \$ 418,122 \$ 434,671 73202  
TOTAL ALL BUDGET FUND GROUPS \$ 418,122 \$ 434,671 73203

**Section 331.10. MED STATE MEDICAL BOARD 73205**

General Services Fund Group 73206  
5C6 883-609 Operating Expenses \$ 7,883,145 \$ 8,225,945 73207  
TOTAL GSF General Services 73208  
Fund Group \$ 7,883,145 \$ 8,225,945 73209  
TOTAL ALL BUDGET FUND GROUPS \$ 7,883,145 \$ 8,225,945 73210

**Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 73212**

General Services Fund Group 73213  
4K9 915-604 Operating Expenses \$ 471,450 \$ 473,450 73214  
TOTAL GSF General Services 73215  
Fund Group \$ 471,450 \$ 473,450 73216  
TOTAL ALL BUDGET FUND GROUPS \$ 471,450 \$ 473,450 73217

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 73218  
(FUND 4K9) 73219

Effective July 1, 2007, or as soon as practicable thereafter, 73220  
the Director of Budget and Management may transfer the cash 73221  
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 73222  
created in division (B) of section 4766.05 of the Revised Code, to 73223  
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 73224  
in section 4743.05 of the Revised Code. The director shall cancel 73225  
any existing encumbrances against appropriation item 915-601, 73226

Operating Expenses, and re-establish them against appropriation 73227  
item 915-604, Operating Expenses. The amounts of the 73228  
re-established encumbrances are hereby appropriated. Upon 73229  
completion of these transfers, the Ohio Medical Transportation 73230  
Trust Fund (Fund 4N1) is hereby abolished. 73231

**Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH** 73232

General Services Fund Group 73233

151 336-601 Office of Support \$ 134,060,000 \$ 148,998,000 73234  
Services

TOTAL General Services Fund Group \$ 134,060,000 \$ 148,998,000 73235

Division of Mental Health-- 73236

Psychiatric Services to Correctional Facilities 73237

General Revenue Fund 73238

GRF 332-401 Forensic Services \$ 4,338,858 \$ 4,338,858 73239

TOTAL GRF General Revenue Fund \$ 4,338,858 \$ 4,338,858 73240

**Section 335.10.10. FORENSIC SERVICES** 73242

The foregoing appropriation item 332-401, Forensic Services, 73243  
shall be used to provide psychiatric services to courts of common 73244  
pleas. The appropriation shall be allocated through community 73245  
mental health boards to certified community agencies and shall be 73246  
distributed according to the criteria delineated in rule 73247  
5122:32-01 of the Administrative Code. These community forensic 73248  
funds may also be used to provide forensic training to community 73249  
mental health boards and to forensic psychiatry residency programs 73250  
in hospitals operated by the Department of Mental Health and to 73251  
provide evaluations of patients of forensic status in facilities 73252  
operated by the Department of Mental Health prior to conditional 73253  
release to the community. 73254

In addition, appropriation item 332-401, Forensic Services, 73255  
may be used to support projects involving mental health, substance 73256

abuse, courts, and law enforcement to identify and develop 73257  
appropriate alternative services to incarceration for nonviolent 73258  
mentally ill offenders, and to provide specialized re-entry 73259  
services to offenders leaving prisons and jails. Funds may also be 73260  
utilized to provide forensic monitoring and tracking in addition 73261  
to community programs serving persons of forensic status on 73262  
conditional release or probation. 73263

**Section 335.20.** Division of Mental Health-- 73264

Administration and Statewide Programs 73265

General Revenue Fund 73266

GRF 333-321 Central Administration \$ 23,750,000 \$ 23,750,000 73267

GRF 333-402 Resident Trainees \$ 1,364,919 \$ 1,364,919 73268

GRF 333-403 Pre-Admission \$ 650,135 \$ 650,135 73269

Screening Expenses

GRF 333-415 Lease-Rental Payments \$ 23,767,400 \$ 20,504,500 73270

GRF 333-416 Research Program \$ 1,001,551 \$ 1,001,551 73271

Evaluation

TOTAL GRF General Revenue Fund \$ 50,534,005 \$ 47,271,105 73272

General Services Fund Group 73273

149 333-609 Central Office \$ 1,200,000 \$ 1,200,000 73274

Operating

TOTAL General Services Fund Group \$ 1,200,000 \$ 1,200,000 73275

Federal Special Revenue Fund Group 73276

3A6 333-608 Community & Hospital \$ 140,000 \$ 140,000 73277

Services

3A7 333-612 Social Services Block \$ 25,000 \$ 25,000 73278

Grant

3A8 333-613 Federal Grant - \$ 4,888,105 \$ 4,888,105 73279

Administration

3A9 333-614 Mental Health Block \$ 748,470 \$ 748,470 73280

Grant - Administration

3B1	333-635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	73281
324	333-605	Medicaid/Medicare	\$	154,500	\$	154,500	73282
TOTAL Federal Special Revenue							73283
Fund Group			\$	19,647,757	\$	19,647,757	73284
State Special Revenue Fund Group							73285
232	333-621	Family and Children First Administration	\$	625,000	\$	625,000	73286
4X5	333-607	Behavioral Health Medicaid Services	\$	3,000,634	\$	3,000,634	73287
485	333-632	Mental Health Operating	\$	134,233	\$	134,233	73288
5V2	333-611	Non-Federal Miscellaneous	\$	580,000	\$	560,000	73289
TOTAL State Special Revenue							73290
Fund Group			\$	4,339,867	\$	4,319,867	73291
TOTAL ALL BUDGET FUND GROUPS			\$	75,721,629	\$	72,438,729	73292

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 73294

The foregoing appropriation item 333-402, Resident Trainees, 73295  
shall be used to fund training agreements entered into by the 73296  
Department of Mental Health for the development of curricula and 73297  
the provision of training programs to support public mental health 73298  
services. 73299

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 73300

The foregoing appropriation item 333-403, Pre-Admission 73301  
Screening Expenses, shall be used to pay for costs to ensure that 73302  
uniform statewide methods for pre-admission screening are in place 73303  
to perform assessments for persons who have severe mental illness 73304  
and are referred for long-term Medicaid certified nursing facility 73305  
placement. Pre-admission screening includes the following 73306

activities: pre-admission assessment, consideration of continued 73307  
stay requests, discharge planning and referral, and adjudication 73308  
of appeals and grievance procedures. 73309

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 73310

The foregoing appropriation item 333-415, Lease-Rental 73311  
Payments, shall be used to meet all payments during the period 73312  
from July 1, 2007, to June 30, 2009, by the Department of Mental 73313  
Health under leases and agreements made under section 154.20 of 73314  
the Revised Code. These appropriations are the source of funds 73315  
pledged for bond service charges on obligations issued pursuant to 73316  
Chapter 154. of the Revised Code. 73317

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 73318

The Department of Mental Health shall administer specified 73319  
Medicaid Services as delegated by the Department of Job and Family 73320  
Services in an interagency agreement. The foregoing appropriation 73321  
item 333-607, Behavioral Health Medicaid Services, may be used to 73322  
make payments for free-standing psychiatric hospital inpatient 73323  
services as defined in an interagency agreement with the 73324  
Department of Job and Family Services. 73325

**Section 335.20.50. PERFORMANCE AUDIT** 73326

The Auditor of State shall complete a performance audit of 73327  
the Department of Mental Health. Upon completing the performance 73328  
audit, the Auditor of State shall submit a report of the findings 73329  
of the audit to the Governor, the President of the Senate, the 73330  
Speaker of the House of Representatives, and the Director of 73331  
Mental Health. Expenses incurred by the Auditor of State to 73332  
conduct the performance audit shall be reimbursed by the 73333  
Department of Mental Health. 73334



**Section 325.20.60. INTERNAL REVIEW** 73335

The Director of Mental Health shall consult with the Director 73336  
of Budget and Management and representatives of local and county 73337  
mental health services agencies to conduct an internal review of 73338  
policies and procedures to increase efficiency and identify and 73339  
eliminate duplicative practices. Any savings identified as a 73340  
result of the internal review or the performance audit conducted 73341  
by the Auditor of State shall be used for community-based care. 73342

The Director of Mental Health shall seek Controlling Board 73343  
approval before expending any funds identified as a result of the 73344  
internal review or the performance audit. 73345

**Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS** 73346

General Revenue Fund 73347

GRF 334-408	Community and Hospital	\$ 400,324,545	\$ 400,324,545	73348
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Mental Health Services

GRF 334-506	Court Costs	\$ 976,652	\$ 976,652	73349
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TOTAL GRF	General Revenue Fund	\$ 401,301,197	\$ 401,301,197	73350
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General Services Fund Group 73351

149 334-609	Hospital - Operating	\$ 33,800,000	\$ 33,800,000	73352
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Expenses

150 334-620	Special Education	\$ 120,930	\$ 120,930	73353
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TOTAL GSF	General Services			73354
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Fund Group		\$ 33,920,930	\$ 33,920,930	73355
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Federal Special Revenue Fund Group 73356

3A6 334-608	Subsidy for Federal	\$ 586,224	\$ 586,224	73357
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Grants

3A8 334-613	Federal Letter of	\$ 200,000	\$ 200,000	73358
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Credit

3B0 334-617	Adult Basic and	\$ 182,334	\$ 182,334	73359
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Literary Education

3B1 334-635 Hospital Medicaid	\$	2,000,000	\$	2,000,000	73360
Expansion					
324 334-605 Medicaid/Medicare	\$	34,500,000	\$	50,500,000	73361
TOTAL FED Federal Special Revenue					73362
Fund Group	\$	37,468,558	\$	53,468,558	73363
State Special Revenue Fund Group					
485 334-632 Mental Health	\$	3,100,000	\$	3,100,000	73365
Operating					
692 334-636 Community Mental	\$	80,000	\$	80,000	73366
Health Board Risk Fund					
TOTAL SSR State Special Revenue					73367
Fund Group	\$	3,180,000	\$	3,180,000	73368
TOTAL ALL BUDGET FUND GROUPS	\$	475,870,685	\$	491,870,685	73369

**Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND** 73371

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. 73372  
73373  
73374

**Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT SERVICES** 73375  
73376

General Revenue Fund					
GRF 335-404 Behavioral Health	\$	8,076,153	\$	8,711,153	73378
Services-Children					
GRF 335-405 Family & Children	\$	2,260,000	\$	2,260,000	73379
First					
GRF 335-419 Community Medication	\$	9,959,798	\$	9,959,798	73380
Subsidy					
GRF 335-505 Local Mental Health	\$	104,187,868	\$	104,187,868	73381
Systems of Care					
TOTAL GRF General Revenue Fund	\$	124,483,819	\$	125,118,819	73382
General Services Fund Group					
					73383

4P9	335-604	Community Mental Health Projects	\$	250,000	\$	250,000	73384	
TOTAL GSF General Services								73385
Fund Group			\$	250,000	\$	250,000	73386	
Federal Special Revenue Fund Group								73387
3A6	335-608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	73388	
3A7	335-612	Social Services Block Grant	\$	8,657,288	\$	8,657,288	73389	
3A8	335-613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	73390	
3A9	335-614	Mental Health Block Grant	\$	14,969,400	\$	14,969,400	73391	
3B1	335-635	Community Medicaid Expansion	\$	299,614,455	\$	316,699,716	73392	
TOTAL FED Federal Special Revenue Fund Group								73393
State Special Revenue Fund Group								73394
5AU	335-615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	73395	
632	335-616	Community Capital Replacement	\$	350,000	\$	350,000	73396	
5CH	335-622	Residential Support Service	\$	1,500,000	\$	1,500,000	73397	
TOTAL SSR State Special Revenue Fund Group								73398
TOTAL ALL BUDGET FUND GROUPS								73399
DEPARTMENT TOTAL								73400
GENERAL REVENUE FUND								73401
DEPARTMENT TOTAL								73402
GENERAL SERVICES FUND GROUP								73403
DEPARTMENT TOTAL								73404
FEDERAL SPECIAL REVENUE								73405

FUND GROUP	\$	385,131,197	\$	418,216,458	73406
DEPARTMENT TOTAL					73407
STATE SPECIAL REVENUE FUND GROUP	\$	16,059,867	\$	16,039,867	73408
DEPARTMENT TOTAL					73409
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,151,279,873	\$	1,196,655,234	73410

**Section 335.40.10.** BEHAVIORAL HEALTH SERVICES - CHILDREN 73412

The foregoing appropriation item 335-404, Behavioral Health 73413  
Services-Children, shall be used to provide behavioral health 73414  
services for children and their families. Behavioral health 73415  
services include mental health and alcohol and other drug 73416  
treatment services and other necessary supports. 73417

Of the foregoing appropriation item 335-404, Behavioral 73418  
Health Services-Children, an amount up to \$4.5 million in fiscal 73419  
year 2008 and \$5.5 million in fiscal year 2009 shall be 73420  
distributed to local Alcohol, Drug Addiction, and Mental Health 73421  
Boards; Community Mental Health Boards; and Alcohol and Drug 73422  
Addiction Boards, based upon a distribution formula and guidance 73423  
defined by a team of state and local stakeholders appointed by the 73424  
Ohio Family and Children First Cabinet Council. This team shall 73425  
include, but not be limited to, all of the following: 73426

(A) At least one representative from each of the Departments 73427  
of Alcohol and Drug Addiction Services, Mental Health, Education, 73428  
Health, Job and Family Services, Mental Retardation and 73429  
Developmental Disabilities, and the Department of Youth Services; 73430

(B) At least one person representing local public children's 73431  
services agencies; 73432

(C) At least one person representing juvenile courts; 73433

(D) At least one person representing local Alcohol, Drug 73434  
Addiction, and Mental Health Boards; Community Mental Health 73435  
Boards; and Alcohol and Drug Addiction Boards; 73436

(E) At least one person representing local Family and Children First Council Coordinators; 73437  
73438

(F) At least one family representative. 73439

Funds may be used to support the following services and activities as determined by local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards and local family and children first councils and aligned with county service coordination mechanism as described in division (C) of section 121.37 of the Revised Code: 73440  
73441  
73442  
73443  
73444  
73445

(A) Mental health services provided by the Ohio Department of Mental Health certified agencies and alcohol and other drug services provided by Department of Alcohol and Drug Addiction Services certified agencies; 73446  
73447  
73448  
73449

(B) Services and supports for children and their families that further the implementation of their individual service plans; 73450  
73451

(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible; 73452  
73453  
73454

(D) Administrative support for efforts associated with this initiative; 73455  
73456

(E) These funds shall not be used to supplant existing efforts. 73457  
73458

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. 73459  
73460  
73461  
73462  
73463  
73464

Of the foregoing appropriation item 335-405, Family & Children First, an amount up to \$500,000 in fiscal year 2008 and 73465  
73466

\$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;

(d) The Geauga County Board of Mental Health and Recovery  
Services;

(e) The Mental Health, Drug and Alcohol Services Board of  
Logan and Champaign Counties;

(f) The Mental Health & Recovery Services Board of Lucas  
County;

(g) The Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services;	73496 73497
(h) The Mental Health and Recovery Services Board of Richland County.	73498 73499
(2) "Large county local boards" means the Alcohol, Drug and Mental Health Board of Franklin County and the Mental Health & Recovery Services Board of Lucas County.	73500 73501 73502
(3) "Medicaid managed care plan" means a health insuring corporation under contract with the Department of Job and Family Services pursuant to section 5111.17 of the Revised Code.	73503 73504 73505
(4) "Mid-size county local boards" means the Mental Health and Recovery Services Board of Richland County and the Clermont County Mental Health & Recovery Board.	73506 73507 73508
(5) "Selected local boards" means the local boards selected pursuant to division (B) of this section to participate in the behavioral health pilot program.	73509 73510 73511
(6) "Small county local boards" means the Geauga County Board of Mental Health and Recovery Services; the Mental Health, Drug and Alcohol Services Board of Logan and Champaign Counties; and the Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services.	73512 73513 73514 73515 73516
(B) The local boards and the Departments of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services shall select one large county local board, one mid-size county local board, and one small local board to participate with the Heartland East Collaborative in a behavioral health pilot program to be developed and operating not later than October 1, 2007, that serves the counties of the selected local boards and the counties served by the Heartland East Collaborative. The purpose of the program is to test a model of a system of care for community behavioral health services delivered to individuals described in	73517 73518 73519 73520 73521 73522 73523 73524 73525 73526

division (E) of this section. The pilot program shall cease to operate on June 30, 2009.

(C) The model tested by the pilot program shall propose to do all of the following:

(1) Provide clinically appropriate and timely behavioral health services;

(2) Provide improved access to a full continuum of behavioral health care to Medicaid recipients and individuals who are not Medicaid recipients;

(3) Improve the quality of behavioral health services provided;

(4) Improve accountability for behavioral health services provided through measurement of outcomes;

(5) Control costs to assure financial viability;

(6) Consider all public funds administered through the boards;

(7) Coordinate with Medicaid managed care plans operating in the counties in which the pilot is operated.

(8) Have the ability to be replicated in all regions of the state.

(D) The pilot program may include the following elements:

(1) Development of defined behavioral health service packages;

(2) Guidelines to ensure that behavioral health service types and amounts match individual needs;

(3) Identification and tracking of outcomes;

(4) A process for care coordination and utilization review and management;



(5) Performance standards for provider participation. 73555

(E) The pilot program shall target the following individuals: 73556

(1) Adults who reside in the counties served by the selected 73557  
local boards and have been diagnosed as suffering from one or more 73558  
serious mental illnesses; 73559

(2) Adults who reside in the counties served by the selected 73560  
local boards and have been diagnosed as suffering from alcoholism 73561  
or drug addiction, or both; 73562

(3) Adults who reside in the counties served by the selected 73563  
local boards and have been diagnosed as suffering from at least 73564  
one of the conditions described in division (E)(1) of this section 73565  
and at least one of the conditions described in division (E)(2) of 73566  
this section, who have been identified as having a high risk for 73567  
frequent utilization of behavioral health services, and who 73568  
currently receive services from the public behavioral health 73569  
system. 73570

To the extent determined appropriate by the advisory 73571  
committee that must be convened under division (G) of this 73572  
section, the pilot program may target adults who reside in the 73573  
counties served by the selected local boards and have been 73574  
identified as having a high risk for frequent utilization of 73575  
behavioral health services, regardless of diagnosis. 73576

(F) The selected local boards, the Departments of Mental 73577  
Health, Alcohol and Drug Addiction Services, and Job and Family 73578  
Services, and the Medicaid managed care plans operating in the 73579  
counties in which the pilot is operated shall conduct an interim 73580  
and final evaluation of the pilot program. A report summarizing 73581  
the findings of the interim evaluation shall be submitted to the 73582  
Governor, the Speaker and Minority Leader of the House of 73583  
Representatives, the President and Minority Leader of the Senate, 73584  
and the Directors of Mental Health, Alcohol and Drug Addiction 73585

Services, and Job and Family Services not later than January 30, 73586  
2009. A report summarizing the findings of the final evaluation 73587  
shall be submitted to the Governor, the Speaker and Minority 73588  
Leader of the House of Representatives, the President and Minority 73589  
Leader of the Senate, and the Directors of Mental Health, Alcohol 73590  
and Drug Addiction Services, and Job and Family Services not later 73591  
than September 1, 2009. 73592

(G) The selected local boards, Departments of Mental Health, 73593  
Alcohol and Drug Addiction Services, and Job and Family Services, 73594  
and Medicaid managed care plans operating in the counties in which 73595  
the pilot is operated shall convene an advisory committee to 73596  
consult the selected local boards and the Departments of Mental 73597  
Health, Alcohol and Drug Addiction Services, and Job and Family 73598  
Services in the development and operation of the pilot program. 73599  
Members of the advisory committee shall represent consumers, 73600  
advocacy groups, and providers of alcohol and drug addiction or 73601  
mental health services. 73602

On submission of the report summarizing the results of the 73603  
final evaluation of the pilot program, the advisory committee 73604  
shall cease to exist. 73605

**Section 335.40.20. COMMUNITY MEDICATION SUBSIDY** 73606

The foregoing appropriation item 335-419, Community 73607  
Medication Subsidy, shall be used to provide subsidized support 73608  
for psychotropic medication needs of indigent citizens in the 73609  
community to reduce unnecessary hospitalization because of lack of 73610  
medication and to provide subsidized support for methadone costs. 73611

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 73612

The foregoing appropriation item 335-505, Local Mental Health 73613  
Systems of Care, shall be used for mental health services provided 73614  
by community mental health boards in accordance with a community 73615

mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health. 73616  
73617

Of the foregoing appropriation item 334-505, Local Mental Health Systems of Care, not less than \$37,058,917 in fiscal year 2008 and not less than \$37,058,917 in fiscal year 2009 shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 73618  
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Of the foregoing appropriation item 335-505, Local Mental Health Systems of Care, \$10,000 in each fiscal year shall be allocated to The Gathering Place in Athens. 73623  
73624  
73625

Of the foregoing appropriation 335-505, Local Mental Health Systems of Care, \$150,000 in each fiscal year shall be used to fund family and consumer education and support. 73626  
73627  
73628

**Section 335.40.40. RESIDENTIAL STATE SUPPLEMENT** 73629

The foregoing appropriation item 335-622, Residential State Supplement, shall be used to provide subsidized support for licensed adult care facilities that serve individuals with mental illness. 73630  
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73632  
73633

**Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES** 73634  
73635

**Section 337.20. GENERAL ADMINISTRATION AND STATEWIDE SERVICES** 73636

73637  
General Revenue Fund 73638  
GRF 320-321 Central Administration \$ 9,638,610 \$ 9,638,610 73639  
GRF 320-412 Protective Services \$ 2,792,322 \$ 2,792,322 73640  
GRF 320-415 Lease-Rental Payments \$ 23,767,400 \$ 20,504,500 73641  
TOTAL GRF General Revenue Fund \$ 36,198,332 \$ 32,935,432 73642  
General Services Fund Group 73643

4B5 320-640 Training and Service	\$	100,000	\$	100,000	73644
Development					
TOTAL GSF General Services					73645
Fund Group	\$	100,000	\$	100,000	73646
Federal Special Revenue Fund Group					73647
3A5 320-613 DD Council	\$	2,705,004	\$	2,743,630	73648
TOTAL FED Federal Special Revenue					73649
Fund Group	\$	2,705,004	\$	2,743,630	73650
State Special Revenue Fund Group					73651
5S2 590-622 Medicaid	\$	11,003,855	\$	11,472,335	73652
Administration &					
Oversight					
TOTAL SSR State Special Revenue					73653
Fund Group	\$	11,003,855	\$	11,472,335	73654
TOTAL ALL GENERAL ADMINISTRATION					73655
AND STATEWIDE SERVICES					73656
BUDGET FUND GROUPS	\$	50,007,191	\$	47,251,397	73657

**Section 337.20.10. LEASE-RENTAL PAYMENTS** 73658

The foregoing appropriation item 320-415, Lease-Rental 73659  
 Payments, shall be used to meet all payments at the time they are 73660  
 required to be made during the period from July 1, 2007, to June 73661  
 30, 2009, by the Department of Mental Retardation and 73662  
 Developmental Disabilities under leases and agreements made under 73663  
 section 154.20 of the Revised Code. These appropriations are the 73664  
 source of funds pledged for bond service charges or obligations 73665  
 issued pursuant to Chapter 154. of the Revised Code. 73666

**Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE** 73667

(A) There is hereby created the MR/DD Futures Study 73668  
 Committee. The Committee shall consist of the following: 73669

(1) One member who is an individual eligible to receive 73670

services from a county board of mental retardation and 73671  
developmental disabilities, appointed by the Governor; 73672

(2) One member who is an immediate family member of an 73673  
individual eligible to receive services from a county board of 73674  
mental retardation and developmental disabilities, appointed by 73675  
the Governor; 73676

(3) Two members who are members of the House of 73677  
Representatives, appointed by the Speaker of the House of 73678  
Representatives as follows: 73679

(a) One member from the majority party; 73680

(b) One member from the minority party. 73681

(4) Two members who are members of the Senate, appointed by 73682  
the President of the Senate as follows: 73683

(a) One member from the majority party; 73684

(b) One member from the minority party. 73685

(5) Four members of statewide advocacy organizations for 73686  
individuals with mental retardation or other developmental 73687  
disabilities, appointed as follows: 73688

(a) One member by the Board of Trustees of the Arc of Ohio; 73689

(b) One member by the Board of Directors of the Ohio League 73690  
for the Mentally Retarded; 73691

(c) One member by the Board of People First of Ohio; 73692

(d) One member by the governing board of an organization 73693  
designated by the Director of Mental Retardation and Developmental 73694  
Disabilities; 73695

(6) One member appointed by the Board of Directors of the 73696  
Ohio Self-Determination Association; 73697

(7) One member appointed by the governing authority of the 73698  
Ohio Superintendents of County Boards of Mental Retardation and 73699

Developmental Disabilities Association; 73700

(8) Two members appointed by the Board of Trustees of the 73701  
Ohio Association of County Boards of Mental Retardation and 73702  
Developmental Disabilities; 73703

(9) One member appointed by the Board of Trustees of the 73704  
County Commissioners' Association of Ohio; 73705

(10) Two members appointed by the Board of Trustees of the 73706  
Ohio Provider Resource Association; 73707

(11) One member appointed by the Board of Directors of the 73708  
Ohio Health Care Association; 73709

(12) The Director of Job and Family Services or the 73710  
Director's designee; 73711

(13) Two members appointed by the Governor who are 73712  
representatives of statewide labor organizations representing 73713  
public employees; 73714

(14) The Director of Mental Retardation and Developmental 73715  
Disabilities, who shall serve as the committee's chairperson. 73716

(B) The Governor shall not appoint an individual under 73717  
division (A)(1) or (2) of this section if the individual is an 73718  
employee of the state, an employee or member of a county board of 73719  
mental retardation and developmental disabilities, or an employee 73720  
or a governing board member of a provider of services to an 73721  
individual with mental retardation and developmental disabilities. 73722

(C) Members of the Committee shall be appointed not later 73723  
than thirty days after the effective date of this section. Members 73724  
of the Committee shall serve without compensation, except to the 73725  
extent that serving on the committee is considered part of their 73726  
regular employment duties. The Department of Mental Retardation 73727  
and Developmental Disabilities may reimburse members of the 73728  
Committee for their reasonable travel expenses. 73729

(D) The Committee shall meet at times and locations	73730
determined by the chairperson to do all of the following:	73731
(1) Review the effectiveness, efficiency, and sustainability	73732
of current uses of funding for the state's mental retardation and	73733
developmental disabilities system;	73734
(2) Propose alternatives for effectively funding the	73735
nonfederal share of Medicaid expenditures for home and	73736
community-based services for individuals with mental retardation	73737
and other developmental disabilities, including the amendments by	73738
this act to sections 5123.047, 5123.048, 5123.0414, 5126.059,	73739
5126.0510, 5126.0511, and 5126.0512 of the Revised Code.	73740
(3) Identify the potential for reducing administrative costs	73741
in the state's mental retardation and developmental disabilities	73742
system;	73743
(4) Propose alternatives for effectively balancing revenues	73744
available to the state and the county boards of mental retardation	73745
and developmental disabilities to fulfill their responsibilities	73746
for funding, planning, and monitoring the delivery of mental	73747
retardation and developmental disability services;	73748
(5) Examine the efficiency and effectiveness of the current	73749
system of separate and concurrent mental retardation and	73750
developmental disabilities accreditation, licensure,	73751
certification, quality assurance, and quality improvement	73752
activities and propose changes to improve that system;	73753
(6) Recommend steps necessary to assure the long term	73754
financial sustainability of mental retardation and developmental	73755
disability services to meet current and future needs while	73756
affording counties the ability to make local decisions about the	73757
priority uses of local tax levy funding;	73758
(7) Determine the feasibility and potential benefits of	73759
regional planning approaches to meet specialized and intensive	73760

service needs; 73761

(8) Propose improvements needed and action steps to fully 73762  
realize the principle of self-determination by individuals with 73763  
mental retardation and other developmental disabilities; 73764

(9) Evaluate the effectiveness and equity of the state's 73765  
mental retardation and developmental disabilities systems' uses of 73766  
waiting and service substitution lists, priority populations, and 73767  
having separate acuity instruments that vary by service setting; 73768

(10) Review other matters the Director of Mental Retardation 73769  
and Developmental Disabilities considers appropriate for 73770  
evaluations. 73771

(E) The Committee shall not transact business unless a quorum 73772  
is present. A majority of the Committee members constitutes a 73773  
quorum. 73774

(F) Not later than March 30, 2008, the Committee shall submit 73775  
a report on its actions and recommendations to the Governor and 73776  
General Assembly. The Committee shall cease to exist on submission 73777  
of the report. 73778

**Section 337.30. COMMUNITY SERVICES** 73779

General Revenue Fund 73780

GRF 322-413 Residential and \$ 6,753,881 \$ 6,753,881 73781  
Support Services

GRF 322-416 Medicaid Waiver - \$ 109,551,380 \$ 109,551,380 73782  
State Match

GRF 322-451 Family Support \$ 6,938,898 \$ 6,938,898 73783  
Services

GRF 322-501 County Boards \$ 87,270,048 \$ 87,270,048 73784  
Subsidies

GRF 322-503 Tax Equity \$ 14,000,000 \$ 14,000,000 73785

GRF 322-504 Martin Settlement \$ 6,159,766 \$ 29,036,451 73786



TOTAL GRF General Revenue Fund	\$	230,673,973	\$	253,550,658	73787
General Services Fund Group					73788
488 322-603 Provider Audit Refunds	\$	10,000	\$	10,000	73789
5M0 322-628 Martin Settlement	\$	150,000	\$	0	73790
TOTAL GSF General Services					73791
Fund Group	\$	160,000	\$	10,000	73792
Federal Special Revenue Fund Group					73793
3G6 322-639 Medicaid Waiver - Federal	\$	456,311,171	\$	506,618,829	73794
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$	0	73795
325 322-612 Community Social Service Programs	\$	11,186,114	\$	11,164,639	73796
TOTAL FED Federal Special Revenue					73797
Fund Group	\$	471,775,998	\$	517,783,468	73798
State Special Revenue Fund Group					73799
4K8 322-604 Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	73800
5DJ 322-625 Targeted Case Management Match	\$	11,082,857	\$	11,470,757	73801
5DJ 322-626 Targeted Case Management Services	\$	27,548,737	\$	28,512,943	73802
5EV 322-627 Program Fees	\$	20,000	\$	20,000	73803
5H0 322-619 Medicaid Repayment	\$	10,000	\$	10,000	73804
5Z1 322-624 County Board Waiver Match	\$	116,000,000	\$	126,000,000	73805
TOTAL SSR State Special Revenue					73806
Fund Group	\$	166,661,594	\$	178,013,700	73807
TOTAL ALL COMMUNITY SERVICES					73808
BUDGET FUND GROUPS	\$	869,271,565	\$	949,357,826	73809

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 73811

The Department of Mental Retardation and Developmental 73812

Disabilities may designate a portion of appropriation item 73813  
322-413, Residential and Support Services, for Sermak Class 73814  
Services used to implement the requirements of the agreement 73815  
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 73816  
United States District Court for the Southern District of Ohio, 73817  
Eastern Division. 73818

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 73819**  
PROGRAMS 73820

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 73821  
the Department of Mental Retardation and Developmental 73822  
Disabilities may develop residential and support service programs 73823  
funded by appropriation item 322-413, Residential and Support 73824  
Services, and the appropriation for supported living in 73825  
appropriation item 322-501, County Board Subsidy, that enable 73826  
persons with mental retardation and developmental disabilities to 73827  
live in the community. Notwithstanding Chapter 5121. and section 73828  
5123.122 of the Revised Code, the Department may waive the support 73829  
collection requirements of those statutes for persons in community 73830  
programs developed by the Department under this section. The 73831  
Department shall adopt rules under Chapter 119. of the Revised 73832  
Code or may use existing rules for the implementation of these 73833  
programs. 73834

**Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 73835**

Except as otherwise provided in section 5123.0416 of the 73836  
Revised Code, the purposes for which the foregoing appropriation 73837  
item 322-416, Medicaid Waiver - State Match, shall be used include 73838  
the following: 73839

(A) Home and community-based waiver services under Title XIX 73840  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 73841  
as amended. 73842

(B) To pay the nonfederal share of the cost of one or more 73843  
new intermediate care facility for the mentally retarded certified 73844  
beds, if the Director of Mental Retardation and Developmental 73845  
Disabilities is required by this act to transfer to the Director 73846  
of Job and Family Services funds to pay such nonfederal share. 73847

Except as otherwise provided in section 5123.0416 of the 73848  
Revised Code, the Department of Mental Retardation and 73849  
Developmental Disabilities may designate a portion of 73850  
appropriation item 322-416, Medicaid Waiver - State Match, to 73851  
county boards of mental retardation and developmental disabilities 73852  
that have greater need for various residential and support 73853  
services because of a low percentage of residential and support 73854  
services development in comparison to the number of individuals 73855  
with mental retardation or developmental disabilities in the 73856  
county. 73857

**Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS** 73858

Except as otherwise provided in Section 337.40.30 of this 73859  
act, the Department of Mental Retardation and Developmental 73860  
Disabilities shall use the foregoing appropriation item 322-501, 73861  
County Boards Subsidy, to pay each county board of mental 73862  
retardation and developmental disabilities in each fiscal year of 73863  
the biennium an amount that is equal to the amount such board 73864  
received in fiscal year 2007 from former appropriation items 73865  
322-417, Supported Living; 322-452, Service and Support 73866  
Administration; and 322-501, County Boards Subsidies. 73867

Except as otherwise provided in section 5126.0511 of the 73868  
Revised Code, county boards shall use the subsidy for early 73869  
childhood services and adult services provided under section 73870  
5126.05 of the Revised Code, service and support administration 73871  
provided under section 5126.15 of the Revised Code, and supported 73872  
living as defined in section 5126.01 of the Revised Code. 73873

In the event that the appropriation in appropriation item 73874  
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 73875  
2009 is greater than the subsidy paid by the Department for fiscal 73876  
year 2007 from former appropriation items 332-417, Supported 73877  
Living; 322-452, Services and Support Administration; and 322-501, 73878  
County Boards Subsidies, the Department and county boards shall 73879  
develop a formula for allocating the additional appropriation to 73880  
each county board to support priorities determined by the 73881  
Department and county boards. 73882

The Department shall distribute this subsidy to county boards 73883  
in quarterly installments of equal amounts. The installments shall 73884  
be made not later than the thirtieth day of September, the 73885  
thirty-first day of December, the thirty-first day of March, and 73886  
thirtieth day of June. 73887

The Department also may use the foregoing appropriation item 73888  
322-501, County Boards Subsidy, to pay the nonfederal share of the 73889  
cost of one or more new intermediate care facility for the 73890  
mentally retarded certified beds, if the Director of Mental 73891  
Retardation and Developmental Disabilities is required by this act 73892  
to transfer to the Director of Job and Family Services funds to 73893  
pay such nonfederal share. 73894

**Section 337.30.43. TAX EQUITY** 73895

Notwithstanding section 5126.18 of the Revised Code, if a 73896  
county board of mental retardation and developmental disabilities 73897  
received a tax equity payment in fiscal year 2007, but would not 73898  
receive such a payment in fiscal years 2008 and 2009, the 73899  
Department of Mental Retardation and Developmental Disabilities 73900  
shall use the foregoing appropriation item 322-503, Tax Equity, to 73901  
pay each such board in each fiscal year of the biennium an amount 73902  
that is equal to the tax equity payment the board received in 73903  
fiscal year 2007 or \$25,000, whichever is less. The Department 73904

shall use the remainder of the appropriation item to make tax equity payments in accordance with section 5126.18 of the Revised Code. 73905  
73906  
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**Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE** 73908

To comply with the Martin Consent Order, on July 1, 2007, or 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). 73909  
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73911  
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**Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8)** 73913

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. 73914  
73915  
73916

**Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES** 73917

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. 73918  
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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. 73925  
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**Section 337.30.70.** TRANSFER TO PROGRAM FEE FUND 73933

On July 1, 2007, or as soon as possible thereafter, the 73934  
Director of Mental Retardation and Developmental Disabilities 73935  
shall certify to the Director of Budget and Management the amount 73936  
of cash that has been deposited into Fund 4B5, 73937  
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 73938  
the Revised Code, less the amount that has been expended from Fund 73939  
4B5 to operate the Certification and Registration Program 73940  
established under section 5126.25 of the Revised Code and to 73941  
license and inspect residential facilities as outlined in section 73942  
5123.19 of the Revised Code. The certified amount shall not 73943  
include amounts deposited into Fund 4B5 for training and 73944  
conferences conducted by the Department of Mental Retardation and 73945  
Developmental Disabilities. Upon receipt of the certification, the 73946  
Director of Budget and Management shall transfer cash equal to the 73947  
amount certified and all associated liabilities and obligations to 73948  
Fund 5EV, Program Fee Fund, in the Department of Mental 73949  
Retardation and Developmental Disabilities. 73950

**Section 337.30.80.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 73951

Developmental centers of the Department of Mental Retardation 73952  
and Developmental Disabilities may provide services to persons 73953  
with mental retardation or developmental disabilities living in 73954  
the community or to providers of services to these persons. The 73955  
Department may develop a method for recovery of all costs 73956  
associated with the provisions of these services. 73957

**Section 337.40.** RESIDENTIAL FACILITIES 73958

General Revenue Fund 73959  
GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 73960  
and Residential

Facilities Operation					
Expenses					
TOTAL GRF General Revenue Fund	\$	102,796,851	\$	102,796,851	73961
General Services Fund Group					73962
152 323-609 Developmental Center	\$	912,177	\$	912,177	73963
and Residential					
Operating Services					
TOTAL GSF General Services					73964
Fund Group	\$	912,177	\$	912,177	73965
Federal Special Revenue Fund Group					73966
3A4 323-605 Developmental Center	\$	136,299,536	\$	137,555,308	73967
and Residential					
Facility Services and					
Support					
TOTAL FED Federal Special Revenue					73968
Fund Group	\$	136,299,536	\$	137,555,308	73969
State Special Revenue Fund Group					73970
221 322-620 Supplement Service	\$	150,000	\$	150,000	73971
Trust					
489 323-632 Developmental Center	\$	14,543,764	\$	14,671,616	73972
Direct Care Support					
TOTAL SSR State Special Revenue					73973
Fund Group	\$	14,693,764	\$	14,821,616	73974
TOTAL ALL RESIDENTIAL FACILITIES					73975
BUDGET FUND GROUPS	\$	254,702,328	\$	256,085,952	73976
DEPARTMENT TOTAL					73977
GENERAL REVENUE FUND	\$	369,669,156	\$	389,282,941	73978
DEPARTMENT TOTAL					73979
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$	1,022,177	73980
DEPARTMENT TOTAL					73981
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	73982
DEPARTMENT TOTAL					73983

STATE SPECIAL REVENUE FUND GROUP	\$ 192,359,213	\$ 204,307,651	73984
TOTAL DEPARTMENT OF MENTAL			73985
RETARDATION AND DEVELOPMENTAL			73986
DISABILITIES	\$ 1,173,981,084	\$ 1,252,695,175	73987

**Section 337.40.10.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 73989  
PHARMACY PROGRAMS 73990

The Department of Mental Retardation and Developmental 73991  
Disabilities shall pay the Department of Job and Family Services 73992  
quarterly, through intrastate transfer voucher, the nonfederal 73993  
share of Medicaid prescription drug claim costs for all 73994  
developmental centers paid by the Department of Job and Family 73995  
Services. 73996

**Section 337.40.15.** GALLIPOLIS DEVELOPMENTAL CENTER PILOT 73997  
PROGRAM 73998

The Director of Job and Family Services, working with the 73999  
Director of Mental Retardation and Developmental Disabilities, 74000  
shall submit to the United States Secretary of Health and Human 74001  
Services an amendment to the federal Medicaid waiver authorizing 74002  
the Individual Options Medicaid waiver program as necessary to 74003  
establish, as part of the Individual Options Medicaid Waiver 74004  
program, a pilot program to be operated during calendar year 2008 74005  
under which the Gallipolis Developmental Center provides home and 74006  
community-based services under the Individual Options Medicaid 74007  
waiver program to not more than ten individuals at one time. The 74008  
Director shall implement the pilot program if the United States 74009  
Secretary approves the amendment. 74010

The pilot program shall be operated in a manner consistent 74011  
with the terms of the consent order filed March 5, 2007, in *Martin* 74012  
*v. Strickland*, Case No. 89-CV-00362, in the United States District 74013  
Court for the Southern District of Ohio, Eastern Division. The 74014



pilot program also shall be operated in accordance with the 74015  
amendment to the federal Medicaid waiver authorizing the 74016  
Individual Options Medicaid waiver program sought under this 74017  
section. Only individuals eligible for the Individual Options 74018  
Medicaid waiver program who volunteer to receive home and 74019  
community-based services under the Individual Options Medicaid 74020  
waiver program from the Gallipolis Developmental Center may 74021  
participate in the pilot program. The Director of Mental 74022  
Retardation and Developmental Disabilities and the Director of Job 74023  
and Family Services shall provide the Gallipolis Developmental 74024  
Center technical assistance the Center needs regarding the pilot 74025  
program. 74026

The Gallipolis Developmental Center shall be paid in the same 74027  
manner and at the same rates as other providers of home and 74028  
community-based services under the Individual Options Medicaid 74029  
waiver program for the home and community-based services the 74030  
Center provides under the program. All expenses the Gallipolis 74031  
Developmental Center incurs in participating in the pilot program 74032  
shall be paid from the Medicaid payments the Center receives for 74033  
providing home and community-based services under the program. 74034

The Director of Mental Retardation and Developmental 74035  
Disabilities shall conduct an evaluation of the pilot program, 74036  
including an evaluation of the quality and effectiveness of the 74037  
home and community-based services the Gallipolis Developmental 74038  
Center provides under the pilot program. The Director shall submit 74039  
a report of the evaluation to the Governor and the General 74040  
Assembly not later than April 1, 2009. The Director shall include 74041  
in the report recommendations for or against permitting the 74042  
Gallipolis Developmental Center to continue to provide home and 74043  
community-based services under the Individual Options Medicaid 74044  
waiver program and permitting other developmental centers to begin 74045  
to provide these services. 74046

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT	74047
SERVICES	74048
Any county funds received by the Department from county boards for active treatment shall be deposited in Fund 489, Mental Retardation Operating.	74049 74050 74051
Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS	74052
(A) As used in this section, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	74053 74054 74055
(B) If one or more new beds obtain certification as an intermediate care facility for the mentally retarded bed on or after July 1, 2007, the Director of Mental Retardation and Developmental Disabilities shall transfer funds to the Department of Job and Family Services to pay the nonfederal share of the cost under the Medicaid Program for those beds. Except as otherwise provided in section 5123.0416 of the Revised Code, the Director shall use only the following funds for the transfer:	74056 74057 74058 74059 74060 74061 74062 74063
(1) Funds appropriated to the Department of Mental Retardation and Developmental Disabilities in appropriation item 322-416, Medicaid Waiver - State Match;	74064 74065 74066
(2) Funds appropriated to the Department in appropriation item 322-501, County Boards Subsidies.	74067 74068
(C) If the beds are located in a county served by a county board of mental retardation and developmental disabilities that initiates or supports the beds' certification, the funds that the Director transfers under division (B) 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	74069 74070 74071 74072 74073 74074 74075 74076

allocation is insufficient, the Director shall use as much of such 74077  
funds allocated to other counties as is needed to make up the 74078  
difference. 74079

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH 74080

General Revenue Fund 74081

GRF 149-321 Operating Expenses \$ 550,211 \$ 561,216 74082

GRF 149-501 Minority Health Grants \$ 670,965 \$ 1,670,965 74083

GRF 149-502 Lupus Program \$ 136,126 \$ 136,126 74084

TOTAL GRF General Revenue Fund \$ 1,357,302 \$ 2,368,307 74085

Federal Special Revenue Fund Group 74086

3J9 149-602 Federal Grants \$ 457,486 \$ 320,297 74087

TOTAL FED Federal Special Revenue 74088

Fund Group \$ 457,486 \$ 320,297 74089

State Special Revenue Fund Group 74090

4C2 149-601 Minority Health \$ 150,000 \$ 150,000 74091

Conference

TOTAL SSR State Special Revenue 74092

Fund Group \$ 150,000 \$ 150,000 74093

TOTAL ALL BUDGET FUND GROUPS \$ 1,964,788 \$ 2,838,604 74094

**Section 341.10.** CRB MOTOR VEHICLE COLLISION REPAIR 74096

REGISTRATION BOARD 74097

General Service Fund Group 74098

4K9 865-601 Operating Expenses \$ 334,995 \$ 334,995 74099

TOTAL GSF General Services 74100

Fund Group \$ 334,995 \$ 334,995 74101

TOTAL ALL BUDGET FUND GROUPS \$ 334,995 \$ 334,995 74102

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 74103

(FUND 4K9) 74104

Effective July 1, 2007, or as soon as possible thereafter, 74105

the Director of Budget and Management may transfer the cash 74106  
balance in the Motor Vehicle Collision Repair Registration Fund 74107  
(Fund 5H9), created in division (A) of section 4775.08 of the 74108  
Revised Code, to the Occupational Licensing and Regulatory Fund 74109  
(Fund 4K9), created in section 4743.05 of the Revised Code. The 74110  
Director may cancel any existing encumbrances against 74111  
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 74112  
and re-establish them against appropriation item 865-601, 74113  
Operating Expenses, in Fund 4K9. The amounts of the re-established 74114  
encumbrances are hereby appropriated. The Motor Vehicle Collision 74115  
Repair Registration Fund (Fund 5H9), created in division (A) of 74116  
section 4775.08 of the Revised Code, is hereby abolished. 74117

**Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES** 74118

General Revenue Fund					74119
GRF 725-401 Wildlife-GRF Central	\$	2,705,950	\$	2,800,930	74120
Support					
GRF 725-404 Fountain Square Rental	\$	1,094,900	\$	1,081,200	74121
Payments - OBA					
GRF 725-407 Conservation Reserve	\$	1,000,000	\$	1,000,000	74122
Enhancement Program					
GRF 725-413 Lease Rental Payments	\$	19,589,400	\$	18,316,200	74123
GRF 725-423 Stream and Ground	\$	311,910	\$	311,910	74124
Water Gauging					
GRF 725-425 Wildlife License	\$	500,000	\$	400,000	74125
Reimbursement					
GRF 725-456 Canal Lands	\$	332,859	\$	332,859	74126
GRF 725-502 Soil and Water	\$	12,237,420	\$	12,895,791	74127
Districts					
GRF 725-903 Natural Resources	\$	24,713,800	\$	25,723,000	74128
General Obligation					
Debt Service					

GRF 727-321	Division of Forestry	\$	8,541,511	\$	8,541,511	74129
GRF 728-321	Division of Geological Survey	\$	1,799,222	\$	1,825,150	74130
GRF 729-321	Office of Information Technology	\$	440,895	\$	440,895	74131
GRF 730-321	Division of Parks and Recreation	\$	39,874,841	\$	39,874,841	74132
GRF 733-321	Division of Water	\$	3,207,619	\$	3,257,619	74133
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	74134
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	74135
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	74136
GRF 741-321	Division of Natural Areas and Preserves	\$	3,050,000	\$	3,050,000	74137
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	74138
TOTAL GRF	General Revenue Fund	\$	131,953,859	\$	132,405,438	74139
	General Services Fund Group					74140
155 725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	74141
157 725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	74142
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	74143
207 725-690	Real Estate Services	\$	64,000	\$	64,000	74144
223 725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	74145
227 725-406	Parks Projects Personnel	\$	110,000	\$	110,000	74146
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	74147
4S9 725-622	NatureWorks Personnel	\$	525,000	\$	525,000	74148
4X8 725-662	Water Resources	\$	125,000	\$	125,000	74149

		Council					
430	725-671	Canal Lands	\$	1,150,082	\$	1,150,082	74150
508	725-684	Natural Resources	\$	148,527	\$	148,280	74151
		Publications					
510	725-631	Maintenance -	\$	353,611	\$	303,611	74152
		State-owned Residences					
516	725-620	Water Management	\$	2,913,618	\$	2,931,513	74153
635	725-664	Fountain Square	\$	3,609,835	\$	3,640,398	74154
		Facilities Management					
697	725-670	Submerged Lands	\$	751,342	\$	772,011	74155
TOTAL GSF General Services							74156
Fund Group			\$	25,196,479	\$	25,643,525	74157
Federal Special Revenue Fund Group							74158
3B3	725-640	Federal Forest	\$	225,000	\$	225,000	74159
		Pass-Thru					
3B4	725-641	Federal Flood	\$	490,000	\$	490,000	74160
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	14,307,664	\$	14,307,667	74161
		Lands					
3B6	725-653	Federal Land and Water	\$	2,000,000	\$	2,000,000	74162
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,107,291	\$	2,107,292	74163
		Regulatory					
3P0	725-630	Natural Areas and	\$	215,000	\$	215,000	74164
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	655,000	\$	720,000	74165
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	74166
3P3	725-650	Coastal Management -	\$	2,643,323	\$	1,691,237	74167
		Federal					
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	74168
3R5	725-673	Acid Mine Drainage	\$	1,999,998	\$	2,025,001	74169
		Abatement/Treatment					

3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	74170
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	74171
		Grant					
		TOTAL FED Federal Special Revenue					74172
		Fund Group	\$	27,294,643	\$	26,440,542	74173
		State Special Revenue Fund Group					74174
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	74175
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	74176
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	74177
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	74178
		Protection					
5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	74179
		Districts					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	74180
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	74181
5P2	725-634	Wildlife Boater Angler	\$	3,500,000	\$	3,500,000	74182
		Administration					
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	74183
511	725-646	Ohio Geological	\$	815,179	\$	724,310	74184
		Mapping					
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	74185
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	74186
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	74187
518	725-643	Oil and Gas Permit	\$	2,574,378	\$	2,586,568	74188
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	74189
		Plugging					
521	725-627	Off-Road Vehicle	\$	198,490	\$	143,490	74190
		Trails					
522	725-656	Natural Areas and	\$	1,550,670	\$	1,550,670	74191
		Preserves					
526	725-610	Strip Mining	\$	1,932,491	\$	1,903,871	74192

		Administration Fee					
527	725-637	Surface Mining	\$	1,852,842	\$	1,946,591	74193
		Administration					
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	74194
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	74195
532	725-644	Litter Control and	\$	6,280,681	\$	6,280,681	74196
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	74197
615	725-661	Dam Safety	\$	548,223	\$	595,416	74198
		TOTAL SSR State Special Revenue					74199
		Fund Group	\$	64,419,819	\$	63,444,539	74200
		Clean Ohio Conservation Fund Group					74201
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	74202
		TOTAL CLF Clean Ohio Conservation	\$	155,000	\$	155,000	74203
		Fund Group					
		Wildlife Fund Group					74204
015	740-401	Division of Wildlife	\$	53,706,000	\$	54,906,000	74205
		Conservation					
815	725-636	Cooperative Management	\$	120,449	\$	120,449	74206
		Projects					
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	74207
817	725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000	74208
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	74209
		Research					
819	725-685	Ohio River Management	\$	128,584	\$	128,584	74210
		TOTAL WLF Wildlife Fund Group	\$	61,421,918	\$	62,621,918	74211
		Waterways Safety Fund Group					74212
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452	74213
086	725-418	Buoy Placement	\$	52,182	\$	52,182	74214
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	74215
086	725-506	Watercraft Marine	\$	576,153	\$	576,153	74216



	Patrol				
086	725-513	Watercraft Educational	\$	366,643	\$ 366,643 74217
	Grants				
086	739-401	Division of Watercraft	\$	19,626,681	\$ 20,166,681 74218
5AW	725-682	Watercraft Revolving	\$	1,000,000	\$ 1,000,000 74219
	Loans				
TOTAL WSF Waterways Safety Fund					74220
Group			\$	25,684,601	\$ 26,361,978 74221
Holding Account Redistribution Fund Group					74222
R17	725-659	Performance Cash Bond	\$	279,263	\$ 279,263 74223
	Refunds				
R43	725-624	Forestry	\$	1,950,188	\$ 2,007,977 74224
TOTAL 090 Holding Account					74225
Redistribution Fund Group			\$	2,229,451	\$ 2,287,240 74226
Accrued Leave Liability Fund Group					74227
4M8	725-675	FOP Contract	\$	20,844	\$ 20,844 74228
TOTAL ALF Accrued Leave					74229
Liability Fund Group			\$	20,844	\$ 20,844 74230
TOTAL ALL BUDGET FUND GROUPS					\$ 338,376,614 \$ 339,381,024 74231

**Section 343.20.** CENTRAL SUPPORT INDIRECT 74233

With the exception of the Division of Wildlife, whose direct 74234  
and indirect central support charges shall be paid out of the 74235  
General Revenue Fund from the foregoing appropriation item 74236  
725-401, Wildlife-GRF Central Support, the Department of Natural 74237  
Resources, with approval of the Director of Budget and Management, 74238  
shall utilize a methodology for determining each division's 74239  
payments into the Central Support Indirect Fund (Fund 157). The 74240  
methodology used shall contain the characteristics of 74241  
administrative ease and uniform application in compliance with 74242  
federal grant requirements. It may include direct cost charges for 74243  
specific services provided. Payments to the Central Support 74244

Indirect Fund (Fund 157) shall be made using an intrastate transfer voucher. 74245  
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**Section 343.30. FOUNTAIN SQUARE** 74247

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio Building Authority during the period from July 1, 2007, to June 30, 2009, pursuant to leases and agreements with the Ohio Building Authority under section 152.42 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code. 74248  
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The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code. 74257  
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The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 635). 74266  
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**LEASE RENTAL PAYMENTS** 74274

The foregoing appropriation item 725-413, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2007, to June 30, 2009, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 74283

The foregoing appropriation item 725-903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2007, to June 30, 2009, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 343.35.** DIVISION OF SOIL AND WATER 74289

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$100,000 in each fiscal year shall be used for soil and water quality improvements utilizing best management practices.

**Section 343.40.** WILDLIFE LICENSE REIMBURSEMENT 74293

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 74305  
who are exempted under the Revised Code from license, permit, and 74306  
stamp fees. 74307

CANAL LANDS 74308

The foregoing appropriation item 725-456, Canal Lands, shall 74309  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 74310  
provide operating expenses for the State Canal Lands Program. The 74311  
transfer shall be made using an intrastate transfer voucher and 74312  
shall be subject to the approval of the Director of Budget and 74313  
Management. 74314

SOIL AND WATER DISTRICTS 74315

In addition to state payments to soil and water conservation 74316  
districts authorized by section 1515.10 of the Revised Code, the 74317  
Department of Natural Resources may pay to any soil and water 74318  
conservation district, from authority in appropriation item 74319  
725-502, Soil and Water Districts, an annual amount not to exceed 74320  
\$30,000, upon receipt of a request and justification from the 74321  
district and approval by the Ohio Soil and Water Conservation 74322  
Commission. The county auditor shall credit the payments to the 74323  
special fund established under section 1515.10 of the Revised Code 74324  
for the local soil and water conservation district. Moneys 74325  
received by each district shall be expended for the purposes of 74326  
the district. The foregoing appropriation item 725-683, Soil and 74327  
Water Districts, shall be expended for the purposes described 74328  
above, except that the funding source for this appropriation shall 74329  
be a fee applied on the disposal of construction and demolition 74330  
debris as provided in section 1515.14 of the Revised Code, as 74331  
amended by this act. 74332

Of the foregoing appropriation item 725-683, Soil and Water 74333  
Districts, \$220,000 in each fiscal year shall be used to support 74334  
the Heidelberg College Water Quality Laboratory. 74335

Of the foregoing appropriation item 725-683, Soil and Water 74336  
Districts, \$125,000 in each fiscal year shall be used for the 74337  
Indian Lake Watershed in Logan County. 74338

Of the foregoing appropriation item 725-502, Soil and Water 74339  
Districts, \$50,000 in each fiscal year shall be used for the 74340  
Conservation Action Project. 74341

STATE PARK DEPRECIATION RESERVE 74342

The foregoing appropriation item 725-680, Parks Facilities 74343  
Maintenance, shall be used by the Division of Parks and Recreation 74344  
to maintain state park revenue-producing facilities in the best 74345  
economic operating condition and to repair and replace equipment 74346  
used in the operation of state park revenue producing facilities. 74347

OIL AND GAS WELL PLUGGING 74348

The foregoing appropriation item 725-677, Oil and Gas Well 74349  
Plugging, shall be used exclusively for the purposes of plugging 74350  
wells and to properly restore the land surface of idle and orphan 74351  
oil and gas wells pursuant to section 1509.071 of the Revised 74352  
Code. No funds from the appropriation item shall be used for 74353  
salaries, maintenance, equipment, or other administrative 74354  
purposes, except for those costs directly attributed to the 74355  
plugging of an idle or orphan well. Appropriation authority from 74356  
this appropriation item shall not be transferred to any other fund 74357  
or line item. 74358

LITTER CONTROL AND RECYCLING 74359

Of the foregoing appropriation item, 725-644, Litter Control 74360  
and Recycling, not more than \$1,500,000 may be used in each fiscal 74361  
year for the administration of the Recycling and Litter Prevention 74362  
program. 74363

CLEAN OHIO OPERATING EXPENSES 74364

The foregoing appropriation item 725-405, Clean Ohio 74365

Operating, shall be used by the Department of Natural Resources in administering section 1519.05 of the Revised Code. 74366  
74367

WATERWAYS IMPROVEMENTS 74368

Of the foregoing appropriation item 725-414, Waterways Improvement, \$50,000 in each fiscal year shall be used for dredging operations at Fairport Harbor. 74369  
74370  
74371

WATERCRAFT MARINE PATROL 74372

Of the foregoing appropriation item 739-401, Division of Watercraft, not more than \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol. 74373  
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WATERCRAFT REVOLVING LOAN PROGRAM 74383

Upon certification by the Director of Natural Resources, the Director of Budget and Management shall transfer an amount not to exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 in fiscal year 2009 so certified from the Waterways Safety Fund (Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The moneys shall be used pursuant to sections 1547.721 to 1547.726 of the Revised Code. 74384  
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PARKS CAPITAL EXPENSES FUND 74391

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects. If 74392  
74393  
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74395

the Director of Budget and Management approves the estimated 74396  
costs, the Director may release appropriations from appropriation 74397  
item 725-406, Parks Projects Personnel, for those purposes. Upon 74398  
release of the appropriations, the Department of Natural Resources 74399  
shall pay for these expenses from the Parks Capital Expenses Fund 74400  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 74401  
Parks and Recreation Improvement Fund (Fund 035) using an 74402  
intrastate transfer voucher. 74403

CAPITAL EXPENSES FUND 74404

The Department of Natural Resources shall periodically 74405  
prepare and submit to the Director of Budget and Management the 74406  
estimated design, planning, and engineering costs of 74407  
capital-related work to be done by the Department of Natural 74408  
Resources for each project. Based on the estimates, the Director 74409  
of Budget and Management may release appropriations from 74410  
appropriation item CAP-753, Project Planning, within the Ohio 74411  
Parks and Natural Resources Fund (Fund 031) to pay for design, 74412  
planning, and engineering costs incurred by the Department of 74413  
Natural Resources for the projects. Upon release of the 74414  
appropriations by the Director of Budget and Management, the 74415  
Department of Natural Resources shall pay for these expenses from 74416  
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 74417  
the Ohio Parks and Natural Resources Fund (Fund 031) using an 74418  
intrastate voucher. 74419

FUND CONSOLIDATION 74420

On July 1, 2007, or as soon thereafter as possible, the 74421  
Director of Budget and Management shall transfer the cash balance 74422  
as certified by the Director of Natural Resources from the Federal 74423  
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 74424  
Director shall cancel any remaining outstanding encumbrances 74425  
against appropriation item 725-603, Forestry-Federal, and 74426  
re-establish them against appropriation item 725-602, State 74427

Forest. The amounts of any encumbrances canceled and 74428  
re-established are hereby appropriated. 74429

On July 1, 2007, or as soon thereafter as possible, the 74430  
Director of Budget and Management shall transfer the cash balance 74431  
as certified by the Director of Natural Resources from the REALM 74432  
Support Services Fund (Fund 206) to the Fountain Square Facilities 74433  
Management Fund (Fund 635). The Director shall cancel any 74434  
remaining outstanding encumbrances against appropriation item 74435  
725-689, REALM Support Services, and re-establish them against 74436  
appropriation item 725-664, Fountain Square Facilities Management. 74437  
The amounts of any encumbrances canceled and re-established are 74438  
hereby appropriated. 74439

STATE PARK OPERATING 74440

All proceeds from insurance companies and any other sources 74441  
for the replacement and construction of the Lake Hope Lodge and 74442  
its appurtenances shall be deposited into the State Park Operating 74443  
Fund (Fund 512). 74444

**Section 345.10. NUR STATE BOARD OF NURSING** 74445

General Services Fund Group 74446

4K9	884-609	Operating Expenses	\$	5,661,280	\$	5,661,280	74447
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5P8	884-601	Nursing Special Issues	\$	5,000	\$	5,000	74448
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5AC	884-602	Nurse Education Grant	\$	1,450,000	\$	1,450,000	74449
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Program

TOTAL GSF General Services 74450

Fund Group	\$	7,116,280	\$	7,116,280	74451
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TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	74452
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NURSING SPECIAL ISSUES 74453

The foregoing appropriation item 884-601, Nursing Special 74454  
Issues (Fund 5P8), shall be used to pay the costs the Board of 74455  
Nursing incurs in implementing section 4723.062 of the Revised 74456



Code.				74457
<b>Section 347.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD				74458 74459
General Services Fund Group				74460
4K9 890-609 Operating Expenses	\$	892,241	\$ 963,984	74461
TOTAL GSF General Services Fund Group	\$	892,241	\$ 963,984	74462
TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$ 963,984	74463
<b>Section 349.10.</b> OLA OHIOANA LIBRARY ASSOCIATION				74465
General Revenue Fund				74466
GRF 355-501 Library Subsidy	\$	200,000	\$ 200,000	74467
TOTAL GRF General Revenue Fund	\$	200,000	\$ 200,000	74468
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$ 200,000	74469
<b>Section 351.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD				74471
General Services Fund Group				74472
4K9 894-609 Operating Expenses	\$	333,656	\$ 345,324	74473
TOTAL GSF General Services Fund Group	\$	333,656	\$ 345,324	74475
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$ 345,324	74476
<b>Section 353.10.</b> OPT STATE BOARD OF OPTOMETRY				74478
General Services Fund Group				74479
4K9 885-609 Operating Expenses	\$	344,571	\$ 351,071	74480
TOTAL GSF General Services Fund Group	\$	344,571	\$ 351,071	74482
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$ 351,071	74483
<b>Section 355.10.</b> OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS				74485 74486

General Services Fund Group				74487
4K9 973-609 Operating Expenses	\$	111,300	\$ 116,260	74488
TOTAL GSF General Services				74489
Fund Group	\$	111,300	\$ 116,260	74490
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$ 116,260	74491
 <b>Section 357.10. PBR STATE PERSONNEL BOARD OF REVIEW</b>				74492
General Revenue Fund				74493
GRF 124-321 Operating	\$	1,148,181	\$ 1,201,643	74494
TOTAL GRF General Revenue Fund	\$	1,148,181	\$ 1,201,643	74495
General Services Fund Group				74496
636 124-601 Records and Reporting	\$	15,000	\$ 15,000	74497
Support				
TOTAL GSF General Services				74498
Fund Group	\$	15,000	\$ 15,000	74499
TOTAL ALL BUDGET FUND GROUPS	\$	1,163,181	\$ 1,216,643	74500
 <b>Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK</b>				74502
Agency Fund Group				74503
691 810-632 PUSTRCB Staff	\$	1,116,658	\$ 1,169,181	74504
TOTAL AGY Agency Fund Group	\$	1,116,658	\$ 1,169,181	74505
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$ 1,169,181	74506
 <b>Section 361.10. PRX STATE BOARD OF PHARMACY</b>				74508
General Services Fund Group				74509
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	74510
4K9 887-609 Operating Expenses	\$	4,874,572	\$ 5,251,032	74511
TOTAL GSF General Services Fund	\$	4,950,122	\$ 5,326,582	74512
Group				
Federal Special Revenue Fund Group				74513
3BC 887-604 Dangerous Drugs	\$	558,531	\$ 491,405	74514

Database

TOTAL FED Federal Special Revenue	\$	558,531	\$	491,405	74515
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$	5,817,987	74516
<b>Section 363.10.</b> PSY STATE BOARD OF PSYCHOLOGY					74518
General Services Fund Group					74519
4K9 882-609 Operating Expenses	\$	586,565	\$	586,565	74520
TOTAL GSF General Services					74521
Fund Group	\$	586,565	\$	586,565	74522
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$	586,565	74523
<b>Section 365.10.</b> PUB OHIO PUBLIC DEFENDER COMMISSION					74525
General Revenue Fund					74526
GRF 019-321 Public Defender	\$	1,287,404	\$	1,315,150	74527
Administration					
GRF 019-401 State Legal Defense	\$	5,914,023	\$	6,120,592	74528
Services					
GRF 019-403 Multi-County: State	\$	766,402	\$	762,727	74529
Share					
GRF 019-404 Trumbull County -	\$	244,816	\$	243,650	74530
State Share					
GRF 019-405 Training Account	\$	31,324	\$	31,324	74531
GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	74532
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	74533
General Services Fund Group					74534
101 019-602 Inmate Legal	\$	33,338	\$	34,638	74535
Assistance					
407 019-604 County Representation	\$	219,800	\$	227,500	74536
408 019-605 Client Payments	\$	611,537	\$	476,760	74537
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	74538
TOTAL GSF General Services					74539

Fund Group	\$	1,273,912	\$	1,337,298	74540
Federal Special Revenue Fund Group					74541
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	74542
TOTAL FED Federal Special Revenue					74543
Fund Group	\$	350,948	\$	364,917	74544
State Special Revenue Fund Group					74545
4C7 019-601 Multi-County: County	\$	2,181,300	\$	2,288,200	74546
Share					
4X7 019-610 Trumbull County -	\$	696,800	\$	731,000	74547
County Share					
574 019-606 Civil Legal Aid	\$	40,000,000	\$	40,000,000	74548
TOTAL SSR State Special Revenue					74549
Fund Group	\$	42,878,100	\$	43,019,200	74550
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$	82,767,715	74551

INDIGENT DEFENSE OFFICE 74552

The foregoing appropriation items 019-404, Trumbull County - 74553  
 State Share, and 019-610, Trumbull County - County Share, shall be 74554  
 used to support an indigent defense office for Trumbull County. 74555

MULTI-COUNTY OFFICE 74556

The foregoing appropriation items 019-403, Multi-County: 74557  
 State Share, and 019-601, Multi-County: County Share, shall be 74558  
 used to support the Office of the Ohio Public Defender's 74559  
 Multi-County Branch Office Program. 74560

TRAINING ACCOUNT 74561

The foregoing appropriation item 019-405, Training Account, 74562  
 shall be used by the Ohio Public Defender to provide legal 74563  
 training programs at no cost for private appointed counsel who 74564  
 represent at least one indigent defendant at no cost and for state 74565  
 and county public defenders and attorneys who contract with the 74566  
 Ohio Public Defender to provide indigent defense services. 74567

FEDERAL REPRESENTATION				74568
The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.				74569 74570 74571 74572 74573
<b>Section 367.10. DHS DEPARTMENT OF PUBLIC SAFETY</b>				74574
General Revenue Fund				74575
GRF 763-403 Operating Expenses -	\$	4,164,697	\$ 4,164,697	74576
EMA				
GRF 768-424 Operating Expenses -	\$	814,478	\$ 814,478	74577
CJS				
GRF 769-321 Food Stamp Trafficking Enforcement Operations	\$	752,000	\$ 752,000	74578
TOTAL GRF General Revenue Fund	\$	5,731,175	\$ 5,731,175	74579
General Services Fund Group				74580
5ET 768-625 Drug Law Enforcement	\$	800,000	\$ 800,000	74581
TOTAL GSF General Services Fund Group	\$	800,000	\$ 800,000	74582
State Special Revenue Fund Group				74583
5CC 768-607 Public Safety Services	\$	125,000	\$ 125,000	74584
5EX 768-690 Disaster Preparedness	\$	350,000	\$ 350,000	74585
TOTAL SSR State Special Revenue Fund Group	\$	475,000	\$ 475,000	74586
Tobacco Master Settlement Agreement Fund Group				74587
L87 767-406 Under-Age Tobacco Use Enforcement	\$	0	\$ 375,000	74588
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	0	\$ 375,000	74589
TOTAL ALL BUDGET FUND GROUPS	\$	7,006,175	\$ 7,381,175	74590

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 74591

Of the foregoing appropriation item 763-403, Operating 74592  
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 74593  
the Ohio Task Force One - Urban Search and Rescue Unit and other 74594  
urban search and rescue programs around the state to create a 74595  
stronger search and rescue capability statewide. 74596

STATE FIRE MARSHAL FUND CASH TRANSFERS 74597

Notwithstanding section 3737.71 of the Revised Code, on July 74598  
1, 2007, or as soon as possible thereafter, the Director of Budget 74599  
and Management shall transfer \$125,000 in cash from the State Fire 74600  
Marshal Fund (Fund 546) in the Department of Commerce to the 74601  
Public Safety Services Fund (Fund 5CC) in the Department of Public 74602  
Safety. 74603

Notwithstanding section 3737.71 of the Revised Code, on July 74604  
1, 2008, or as soon as possible thereafter, the Director of Budget 74605  
and Management shall transfer \$125,000 in cash from the State Fire 74606  
Marshal Fund (Fund 546) in the Department of Commerce to the 74607  
Public Safety Services Fund (Fund 5CC) in the Department of Public 74608  
Safety. 74609

SOUTHERN OHIO DRUG TASK FORCE 74610

The foregoing appropriation item 768-607, Public Safety 74611  
Services, shall be distributed by the Division of Criminal Justice 74612  
Services in the Department of Public Safety directly to the 74613  
Southern Ohio Drug Task Force. 74614

EMA DISASTER PREPAREDNESS AND RESPONSE GRANT 74615

Of the foregoing appropriation item 768-690, Disaster 74616  
Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal 74617  
year 2009 shall be used for a grant to the American Red Cross 74618  
Greater Columbus Chapter for implementation of programs to assist 74619  
in disaster preparedness and response throughout Ohio. The 74620

American Red Cross Greater Columbus Chapter shall develop a funding plan that includes programmatic, infrastructure, and administrative costs. Moneys shall be released to the American Red Cross Greater Columbus Chapter not more than 45 days after submission of the plan to the Ohio Emergency Management Agency. Of the foregoing appropriation item 768-690, Disaster Preparedness, \$75,000 in fiscal year 2008 shall be used for the Fire and Emergency Services Regionalization Project of Berea and Olmstead Falls.

CASH TRANSFER TO THE DRUG LAW ENFORCEMENT FUND

Notwithstanding any other provision of law to the contrary, on the first of July in each of 2007 and 2008, or as soon as practicable thereafter in each of those years, the Director of Budget and Management shall transfer \$800,000 in cash from the Charitable Foundations Fund (Fund 418) to the Drug Law Enforcement Fund (Fund 5ET).

The foregoing appropriation item 768-625, Drug Law Enforcement, shall be used by the Division of Criminal Justice Services of the Department of Public Safety for the purpose of awarding grants to local law enforcement agencies and local law enforcement task forces with regard to the enforcement of state drug laws and other state laws related to illegal drug activity.

**Section 369.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group

5F6 870-622 Utility and Railroad	\$	32,820,027	\$	33,804,627	
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Regulation

5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	
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5F6 870-625 Motor Transportation	\$	4,635,413	\$	4,772,765	
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Regulation

TOTAL GSF General Services

Fund Group	\$	37,613,440	\$	38,735,392	74649
Federal Special Revenue Fund Group					74650
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	74651
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,959	74652
350 870-608 Motor Carrier Safety	\$	7,137,534	\$	7,351,660	74653
TOTAL FED Federal Special Revenue					74654
Fund Group	\$	8,035,491	\$	8,249,619	74655
State Special Revenue Fund Group					74656
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757	74657
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	74658
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325	74659
Registration					
4S6 870-621 Hazardous Materials	\$	373,346	\$	373,346	74660
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	74661
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$	13,375,000	74662
Administration					
559 870-605 Public Utilities	\$	4,000	\$	4,000	74663
Territorial					
Administration					
560 870-607 Public Utilities	\$	100,000	\$	100,000	74664
Investigations					
561 870-606 Power Siting Board	\$	404,651	\$	404,652	74665
638 870-611 Biomass Energy Program	\$	40,000	\$	40,000	74666
661 870-612 Hazardous Materials	\$	900,000	\$	900,000	74667
Transportation					
TOTAL SSR State Special Revenue					74668



Fund Group	\$	30,983,686	\$	17,483,687	74669
Agency Fund Group					74670
4G4 870-616 Base State	\$	2,000,000	\$	0	74671
Registration Program					
TOTAL AGY Agency Fund Group	\$	2,000,000	\$	0	74672
TOTAL ALL BUDGET FUND GROUPS	\$	78,632,617	\$	64,468,698	74673
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT					74674
The fund created by section 4923.26 of the Revised Code is					74675
the same fund, with a new name, as the Commercial Vehicle					74676
Information Systems and Networks Fund (Fund 3V3).					74677
ENHANCED AND WIRELESS ENHANCED 9-1-1					74678
The foregoing appropriation item 870-623, Wireless 9-1-1					74679
Administration, shall be used pursuant to section 4931.63 of the					74680
Revised Code.					74681
TELECOMMUNICATIONS RELAY SERVICE FUNDING					74682
The Telecommunications Relay Service Fund is hereby created					74683
in the state treasury. The vendor selected to provide					74684
telecommunications relay service in Ohio, as required by 47 C.F.R.					74685
64.601, shall submit an invoice to the Public Utilities Commission					74686
by January 31, 2009, for costs it has incurred in providing the					74687
service during calendar year 2008. The Public Utilities Commission					74688
shall notify the Director of Budget and Management of the amount					74689
invoiced, and the Director of Budget and Management shall transfer					74690
that amount from the Public Utilities Fund (Fund 5F6) to the					74691
Telecommunications Relay Service Fund on or before February 28,					74692
2009. The amount transferred shall be used to pay the					74693
telecommunications relay service vendor the amount invoiced. This					74694
amount is hereby appropriated.					74695
<b>Section 371.10.</b> PWC PUBLIC WORKS COMMISSION					74696
General Revenue Fund					74697

GRF 150-904	Conservation General	\$	14,847,200	\$	19,779,200	74698
	Obligation Debt					
	Service					
GRF 150-907	State Capital	\$	177,513,600	\$	188,696,300	74699
	Improvements					
	General Obligation					74700
	Debt Service					
TOTAL GRF General Revenue Fund		\$	192,360,800	\$	208,475,500	74701
Clean Ohio Conservation Fund Group						74702
056 150-403	Clean Ohio Operating	\$	301,537	\$	311,509	74703
	Expenses					
TOTAL 056 Clean Ohio Conservation		\$	301,537	\$	311,509	74704
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	192,662,337	\$	208,787,009	74705
CONSERVATION GENERAL OBLIGATION DEBT SERVICE						74706
The foregoing appropriation item 150-904, Conservation						74707
General Obligation Debt Service, shall be used to pay all debt						74708
service and related financing costs during the period from July 1,						74709
2007, through June 30, 2009, at the times they are required to be						74710
made for obligations issued under sections 151.01 and 151.09 of						74711
the Revised Code.						74712
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE						74713
The foregoing appropriation item 150-907, State Capital						74714
Improvements General Obligation Debt Service, shall be used to pay						74715
all debt service and related financing costs during the period						74716
from July 1, 2007, to June 30, 2009, at the times they are						74717
required to be made for obligations issued under sections 151.01						74718
and 151.08 of the Revised Code.						74719
REIMBURSEMENT TO THE GENERAL REVENUE FUND						74720
(A) On or before July 15, 2009, the Director of the Public						74721
Works Commission shall certify to the Director of Budget and						74722

Management the following:	74723
(1) The total amount disbursed from appropriation item	74724
700-409, Farmland Preservation, during the fiscal year 2008-2009	74725
biennium; and	74726
(2) The amount of interest earnings that have been credited	74727
to the Clean Ohio Conservation Fund (Fund 056) that are in excess	74728
of the amount needed for other purposes as calculated by the	74729
Director of the Public Works Commission.	74730
(B) If the Director of Budget and Management determines under	74731
division (A)(2) of this section that there are excess interest	74732
earnings, the Director of Budget and Management shall, on or	74733
before July 15, 2009, transfer the excess interest earnings to the	74734
General Revenue Fund in an amount equal to the total amount	74735
disbursed under division (A)(1) of this section from the Clean	74736
Ohio Conservation Fund.	74737
CLEAN OHIO OPERATING EXPENSES	74738
The foregoing appropriation item 150-403, Clean Ohio	74739
Operating Expenses, shall be used by the Ohio Public Works	74740
Commission in administering sections 164.20 to 164.27 of the	74741
Revised Code.	74742
<b>Section 373.10. RAC STATE RACING COMMISSION</b>	74743
State Special Revenue Fund Group	74744
5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000	74745
Purse	
562 875-601 Thoroughbred Race Fund \$ 3,100,000 \$ 3,100,000	74746
563 875-602 Standardbred \$ 2,600,000 \$ 2,600,000	74747
Development Fund	
564 875-603 Quarterhorse \$ 1,000 \$ 1,000	74748
Development Fund	
565 875-604 Racing Commission \$ 4,487,599 \$ 4,487,599	74749

Operating			
TOTAL SSR State Special Revenue			74750
Fund Group	\$ 26,188,599	\$ 26,188,599	74751
Holding Account Redistribution Fund Group			74752
R21 875-605 Bond Reimbursements	\$ 212,900	\$ 212,900	74753
TOTAL 090 Holding Account			74754
Redistribution			
Fund Group	\$ 212,900	\$ 212,900	74755
TOTAL ALL BUDGET FUND GROUPS	\$ 26,401,499	\$ 26,401,499	74756
<b>Section 375.10. BOR BOARD OF REGENTS</b>			74758
General Revenue Fund			74759
GRF 235-321 Operating Expenses	\$ 3,141,351	\$ 3,141,351	74760
GRF 235-401 Lease Rental Payments	\$ 203,177,900	\$ 136,017,500	74761
GRF 235-402 Sea Grants	\$ 300,000	\$ 300,000	74762
GRF 235-406 Articulation and	\$ 2,900,000	\$ 2,900,000	74763
Transfer			
GRF 235-408 Midwest Higher	\$ 95,000	\$ 95,000	74764
Education Compact			
GRF 235-409 Information System	\$ 1,175,172	\$ 1,175,172	74765
GRF 235-414 State Grants and	\$ 1,707,881	\$ 1,707,881	74766
Scholarship			
Administration			
GRF 235-415 Jobs Challenge	\$ 9,348,300	\$ 9,348,300	74767
GRF 235-417 Ohio Learning Network	\$ 3,119,496	\$ 3,119,496	74768
GRF 235-418 Access Challenge	\$ 66,585,769	\$ 66,585,769	74769
GRF 235-420 Success Challenge	\$ 53,653,973	\$ 53,653,973	74770
GRF 235-428 Appalachian New	\$ 1,176,068	\$ 1,176,068	74771
Economy Partnership			
GRF 235-433 Economic Growth	\$ 17,186,194	\$ 17,186,194	74772
Challenge			
GRF 235-434 College Readiness and	\$ 12,655,425	\$ 12,655,425	74773

	Access				
GRF 235-435	Teacher Improvement	\$	4,797,506	\$	11,297,506 74774
	Initiatives				
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000 74775
GRF 235-438	Choose Ohio First	\$	50,000,000	\$	50,000,000 74776
	Scholarship				
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0 74777
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000 74778
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941 74779
GRF 235-474	Area Health Education	\$	1,571,756	\$	1,571,756 74780
	Centers Program				
	Support				
GRF 235-501	State Share of	\$	1,678,877,952	\$	1,842,965,747 74781
	Instruction				
GRF 235-502	Student Support	\$	795,790	\$	795,790 74782
	Services				
GRF 235-503	Ohio Instructional	\$	42,533,966	\$	18,315,568 74783
	Grants				
GRF 235-504	War Orphans	\$	4,812,321	\$	4,812,321 74784
	Scholarships				
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824 74785
GRF 235-508	Air Force Institute of	\$	2,050,345	\$	2,050,345 74786
	Technology				
GRF 235-510	Ohio Supercomputer	\$	4,271,195	\$	4,271,195 74787
	Center				
GRF 235-511	Cooperative Extension	\$	26,273,260	\$	26,273,260 74788
	Service				
GRF 235-513	Ohio University	\$	669,082	\$	669,082 74789
	Voinovich Center				
GRF 235-514	Central State	\$	11,756,414	\$	12,109,106 74790
	Supplement				
GRF 235-515	Case Western Reserve	\$	3,011,271	\$	3,011,271 74791
	University School of				

	Medicine				
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000 74792
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470 74793
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393 74794
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082 74795
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 74796
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 74797
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 74798
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 74799
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 74800
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 74801
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292 74802
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 74803
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 74804
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 74805
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 74806

GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	74807
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	74808
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	74809
GRF 235-547	School of International Business	\$	450,000	\$	650,000	74810
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	74811
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	74812
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	74813
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	74814
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	74815
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	74816
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	74817
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	74818
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	74819
GRF 235-571	James A. Rhodes Scholarship	\$	10,000,000	\$	0	74820
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019	74821

	University Clinic				
	Support				
GRF 235-573	Ohio Humanities	\$	25,000	\$	25,000
	Council				74822
GRF 235-583	Urban University	\$	5,825,937	\$	5,825,937
	Program				74823
GRF 235-587	Rural University	\$	1,159,889	\$	1,159,889
	Projects				74824
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435
	Program				74825
GRF 235-599	National Guard	\$	16,611,063	\$	16,611,063
	Scholarship Program				74826
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200
	General Obligation				74827
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,773,258,537	\$	2,861,908,923
					74828
	General Services Fund Group				74829
220 235-614	Program Approval and	\$	800,000	\$	800,000
	Reauthorization				74830
456 235-603	Sales and Services	\$	700,000	\$	700,000
					74831
TOTAL GSF	General Services				74832
Fund Group		\$	1,500,000	\$	1,500,000
					74833
	Federal Special Revenue Fund Group				74834
3BG 235-626	Star Schools	\$	2,980,865	\$	2,990,746
					74835
3H2 235-608	Human Services Project	\$	3,000,000	\$	3,000,000
					74836
3H2 235-622	Medical Collaboration	\$	3,346,144	\$	3,346,144
	Network				74837
3N6 235-605	State Student	\$	2,196,680	\$	2,196,680
	Incentive Grants				74838
3T0 235-610	National Health	\$	250,000	\$	250,000
	Service Corps - Ohio				74839
	Loan Repayment				



312	235-609	Tech Prep	\$	183,850	\$	183,850	74840
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	74841
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	74842
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	74843
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	74844
TOTAL FED Federal Special Revenue							74845
Fund Group			\$	20,257,469	\$	20,267,350	74846
State Special Revenue Fund Group							74847
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	74848
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	74849
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	74850
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	74851
5DT	235-627	American Diploma Project	\$	250,000	\$	0	74852
TOTAL SSR State Special Revenue							74853
Fund Group			\$	2,429,870	\$	2,174,870	74854
TOTAL ALL BUDGET FUND GROUPS			\$	2,797,445,876	\$	2,885,851,143	74855

**Section 375.10.10. OPERATING EXPENSES** 74857

Of the foregoing appropriation item 235-321, Operating 74858  
Expenses, up to \$150,000 in each fiscal year shall be used in 74859  
conjunction with funding provided in the Department of Education 74860  
budget under appropriation item 200-427, Academic Standards, to 74861

fund the operations of Ohio's Partnership for Continued Learning. 74862  
The Partnership shall advise and make recommendations to promote 74863  
collaboration among relevant state entities in an effort to help 74864  
local communities develop coherent and successful "P-16" learning 74865  
systems. Upon requesting and receiving approval from the 74866  
Controlling Board, the Director of Budget and Management may 74867  
transfer any unencumbered fiscal year 2008 balance to fiscal year 74868  
2009 to support the activities of the Partnership. 74869

**Section 375.10.20. LEASE RENTAL PAYMENTS** 74870

The foregoing appropriation item 235-401, Lease Rental 74871  
Payments, shall be used to meet all payments at the times they are 74872  
required to be made during the period from July 1, 2007, to June 74873  
30, 2009, by the Board of Regents under leases and agreements made 74874  
under section 154.21 of the Revised Code. These appropriations are 74875  
the source of funds pledged for bond service charges or 74876  
obligations issued pursuant to Chapter 154. of the Revised Code. 74877

**Section 375.10.30. SEA GRANTS** 74878

The foregoing appropriation item 235-402, Sea Grants, shall 74879  
be disbursed to the Ohio State University and shall be used to 74880  
conduct research on fish in Lake Erie. 74881

**Section 375.10.40. ARTICULATION AND TRANSFER** 74882

The foregoing appropriation item 235-406, Articulation and 74883  
Transfer, shall be used by the Board of Regents to maintain and 74884  
expand the work of the Articulation and Transfer Council to 74885  
develop a system of transfer policies to ensure that students at 74886  
state institutions of higher education can transfer and have 74887  
coursework apply to their majors and degrees at any other state 74888  
institution of higher education without unnecessary duplication or 74889  
institutional barriers under sections 3333.16, 3333.161, and 74890

3333.162 of the Revised Code. The Board of Regents shall, in 74891  
consultation with the Governor and the Department of Education, 74892  
convene a work group to establish coursework for content knowledge 74893  
and teacher competencies for early care and education degrees to 74894  
support articulation and transfer of coursework, certifications, 74895  
and credit earned across state-supported institutions of higher 74896  
education. 74897

Of the foregoing appropriation item 235-406, Articulation and 74898  
Transfer, \$200,000 in each fiscal year shall be used to support 74899  
the work of the Articulation and Transfer Council under division 74900  
(B) of section 3333.162 of the Revised Code. 74901

**Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT** 74902

The foregoing appropriation item 235-408, Midwest Higher 74903  
Education Compact, shall be distributed by the Board of Regents 74904  
under section 3333.40 of the Revised Code. 74905

**Section 375.10.60. INFORMATION SYSTEM** 74906

The foregoing appropriation item 235-409, Information System, 74907  
shall be used by the Board of Regents to operate the higher 74908  
education information data system known as the Higher Education 74909  
Information System. 74910

**Section 375.10.70. STATE GRANTS AND SCHOLARSHIP** 74911  
**ADMINISTRATION** 74912

The foregoing appropriation item 235-414, State Grants and 74913  
Scholarship Administration, shall be used by the Board of Regents 74914  
to administer the following student financial aid programs: Ohio 74915  
Instructional Grants, Ohio College Opportunity Grant, Ohio Student 74916  
Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' 74917  
Scholarship, Nurse Education Assistance Loan Program, Regents 74918  
Graduate/Professional Fellowship, Ohio Safety Officers College 74919

Memorial Fund, Capitol Scholarship Program, and any other student 74920  
financial aid programs created by the General Assembly. The 74921  
appropriation item also shall be used to administer the federal 74922  
Leveraging Educational Assistance Partnership (LEAP) and Special 74923  
Leveraging Educational Assistance Partnership (SLEAP) programs and 74924  
other student financial aid programs created by Congress and to 74925  
provide fiscal services for the Ohio National Guard Scholarship 74926  
Program, the Physician Loan Repayment Program, and the Dentist 74927  
Loan Repayment Program. 74928

**Section 375.10.80. JOBS CHALLENGE** 74929

Funds appropriated to the foregoing appropriation item 74930  
235-415, Jobs Challenge, shall be distributed to state-assisted 74931  
community and technical colleges, regional campuses of 74932  
state-assisted universities, and other organizationally distinct 74933  
and identifiable member campuses of the EnterpriseOhio Network in 74934  
support of noncredit job-related training. In each fiscal year, 74935  
\$2,770,773 shall be distributed as performance grants to 74936  
EnterpriseOhio Network campuses based upon each campus's 74937  
documented performance according to criteria established by the 74938  
Board of Regents for assessment, training, and related services to 74939  
businesses, industries, and public sector organizations. 74940

Of the foregoing appropriation item 235-415, Jobs Challenge, 74941  
\$2,819,345 in each fiscal year shall be allocated to the Targeted 74942  
Industries Training Grant Program to attract, develop, and retain 74943  
business and industry strategically important to the state's 74944  
economy and regional priorities. 74945

Of the foregoing appropriation item 235-415, Jobs Challenge, 74946  
\$3,758,182 in each fiscal year shall be allocated to the Higher 74947  
Skills Incentives Program to promote and deliver coordinated 74948  
assessment and comprehensive training to local employers and to 74949  
reward EnterpriseOhio Network campuses for the amount of 74950

non-credit skill upgrading services provided to Ohio employers and 74951  
employees. The funds shall be distributed to campuses in 74952  
proportion to each campus's share of noncredit job-related 74953  
training revenues received by all campuses for the previous fiscal 74954  
year. 74955

**Section 375.10.90. OHIO LEARNING NETWORK** 74956

The foregoing appropriation item 235-417, Ohio Learning 74957  
Network, shall be used by the Board of Regents to support the 74958  
continued implementation of the Ohio Learning Network, a statewide 74959  
collaborative that delivers adult education including degree 74960  
completion, workforce training, and professional development using 74961  
online and distance education initiatives. The funds shall be used 74962  
by the Ohio Learning Network to develop and promote learning and 74963  
assessment through the use of technology, to test and provide 74964  
advice on emerging learning-directed technologies, and to 74965  
facilitate cost-effectiveness through shared educational 74966  
technology investments. 74967

**Section 375.20.10. ACCESS CHALLENGE** 74968

The foregoing appropriation item 235-418, Access Challenge, 74969  
shall be distributed to Ohio's state-assisted access colleges and 74970  
universities. For the purposes of this allocation, "access 74971  
campuses" includes state-assisted community colleges, state 74972  
community colleges, technical colleges, Shawnee State University, 74973  
Central State University, Cleveland State University, the regional 74974  
campuses of state-assisted universities, and, where they are 74975  
organizationally distinct and identifiable, the 74976  
community-technical colleges located at the University of 74977  
Cincinnati, Youngstown State University, and the University of 74978  
Akron. 74979

The purpose of Access Challenge is to reduce the student 74980

share of costs for resident undergraduates enrolled in lower 74981  
division undergraduate courses at Ohio's access campuses. The 74982  
long-term goal is to make the student share of costs for these 74983  
students equivalent to the student share of costs for resident 74984  
undergraduate students enrolled throughout Ohio's public colleges 74985  
and universities. Access Challenge appropriations shall be used to 74986  
sustain, as much as possible, the tuition restraint or tuition 74987  
reduction that was achieved with Access Challenge allocations in 74988  
prior years. Access campuses shall disclose, in their tuition 74989  
billing statements to students, the amount of tuition subsidized 74990  
by state Access Challenge subsidies. 74991

In fiscal year 2008, Access Challenge subsidies shall be 74992  
distributed by the Board of Regents to eligible access campuses on 74993  
the basis of the average of each campus's share of fiscal year 74994  
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. In 74995  
fiscal year 2009, Access Challenge subsidies shall be distributed 74996  
by the Board of Regents to eligible access campuses on the basis 74997  
of the average of each campus's share of fiscal year 2006 and 2007 74998  
all-terms subsidy-eligible General Studies FTEs. 74999

For purposes of this calculation, Cleveland State 75000  
University's enrollments shall be adjusted by the ratio of the sum 75001  
of subsidy-eligible lower-division FTE student enrollments 75002  
eligible for access funding to the sum of subsidy-eligible General 75003  
Studies FTE student enrollments at Central State University and 75004  
Shawnee State University, and for the following universities and 75005  
their regional campuses: the Ohio State University, Ohio 75006  
University, Kent State University, Bowling Green State University, 75007  
Miami University, the University of Cincinnati, the University of 75008  
Akron, and Wright State University. 75009

**Section 375.20.20. SUCCESS CHALLENGE** 75010

The foregoing appropriation item 235-420, Success Challenge, 75011

shall be used by the Board of Regents to promote degree completion 75012  
by students enrolled at a main campus of a state-assisted 75013  
university. 75014

Of the foregoing appropriation item 235-420, Success 75015  
Challenge, 66.67 per cent of the appropriation in each fiscal year 75016  
shall be distributed to state-assisted university main campuses in 75017  
proportion to each campus's share of the total statewide 75018  
bachelor's degrees granted by university main campuses to 75019  
"at-risk" students. In fiscal years 2008 and 2009, an "at-risk" 75020  
student means any undergraduate student who was eligible to 75021  
receive an Ohio need-based financial aid award during the past ten 75022  
years. An eligible institution shall not receive its share of this 75023  
distribution until it has submitted a plan that addresses how the 75024  
subsidy will be used to better serve at-risk students and increase 75025  
their likelihood of successful completion of a bachelor's degree 75026  
program. The Board of Regents shall disseminate to all 75027  
state-supported institutions of higher education all such plans 75028  
submitted by institutions that received Success Challenge funds. 75029

Of the foregoing appropriation item 235-420, Success 75030  
Challenge, 33.33 per cent of the appropriation in each fiscal year 75031  
shall be distributed to university main campuses in proportion to 75032  
each campus's share of the total bachelor's degrees granted by 75033  
university main campuses to undergraduate students who completed 75034  
their bachelor's degrees in a "timely manner" in the previous 75035  
fiscal year. For purposes of this section, "timely manner" means 75036  
the normal time it would take for a full-time degree-seeking 75037  
undergraduate student to complete the student's degree. Generally, 75038  
for such students pursuing a bachelor's degree, "timely manner" 75039  
means four years. Exceptions to this general rule shall be 75040  
permitted for students enrolled in programs specifically designed 75041  
to be completed in a longer time period. The Board of Regents 75042  
shall collect data to assess the timely completion statistics by 75043

university main campuses. 75044

**Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP** 75045

The foregoing appropriation item 235-428, Appalachian New 75046  
Economy Partnership, shall be distributed to Ohio University to 75047  
continue a multi-campus and multi-agency coordinated effort to 75048  
link Appalachia to the new economy. Ohio University shall use 75049  
these funds to provide leadership in the development and 75050  
implementation of initiatives in the areas of entrepreneurship, 75051  
management, education, and technology. 75052

**Section 375.20.40. ECONOMIC GROWTH CHALLENGE** 75053

The foregoing appropriation item 235-433, Economic Growth 75054  
Challenge, shall be used to enhance the basic research 75055  
capabilities of Ohio's public and private institutions of higher 75056  
education, support improved graduate programs throughout the 75057  
state, and promote the transfer of technology developed by 75058  
colleges and universities to private industry to further the 75059  
economic goals of the state. 75060

Of the foregoing appropriation item 235-433, Economic Growth 75061  
Challenge, \$12,000,000 in each fiscal year shall be used for the 75062  
Research Incentive Program to enhance the basic research 75063  
capabilities of public colleges and universities and accredited 75064  
Ohio institutions of higher education holding certificates of 75065  
authorization issued under section 1713.02 of the Revised Code, in 75066  
order to strengthen academic research for pursuing Ohio's economic 75067  
development goals. The Board of Regents, in consultation with the 75068  
colleges and universities, shall administer the Research Incentive 75069  
Program and utilize a means of matching, on a fractional basis, 75070  
external funds attracted in the previous year by institutions for 75071  
basic research. The program may include incentives for increasing 75072  
the amount of external research funds coming to eligible 75073



institutions and for focusing research efforts upon critical state 75074  
needs. Colleges and universities shall submit for review and 75075  
approval to the Board of Regents plans for the institutional 75076  
allocation of state dollars received through the program. The 75077  
institutional plans shall provide the rationale for the allocation 75078  
in terms of the strategic targeting of funds for academic and 75079  
state purposes, for strengthening research programs, for 75080  
increasing the amount of external research funds, and shall 75081  
include an evaluation process to provide results of the increased 75082  
support. Institutional plans for the use of Research Incentive 75083  
funding must demonstrate a significant investment in Third 75084  
Frontier activities funded at the institution. For a college or 75085  
university with multiple Third Frontier grants, as much as ten per 75086  
cent of that institution's Research Incentive funding may be 75087  
invested in Third Frontier Project-related activities. Each 75088  
institutional plan for the investment of Research Incentive moneys 75089  
shall report on existing, planned, or possible relationships with 75090  
other state science and technology programs and funding recipients 75091  
in order to further ongoing statewide science and technology 75092  
collaboration objectives. The Board of Regents shall submit a 75093  
biennial report of progress to the General Assembly. 75094

In each fiscal year, both those state-assisted doctoral 75095  
degree-granting universities and those accredited Ohio 75096  
institutions of higher education holding certificates of 75097  
authorization under section 1713.02 of the Revised Code may elect 75098  
to participate in the Innovation Incentive Plan designed to 75099  
enhance doctoral programs and areas of research that have the 75100  
greatest potential to attract preeminent researchers and build 75101  
research capacity; enhance regional or state economic growth by 75102  
creating new products and services to be commercialized; and 75103  
complement Ohio's Third Frontier Project. 75104

In each fiscal year, funding for the Innovation Incentive 75105

Program shall be generated from those state-assisted doctoral 75106  
degree-granting universities electing to set aside a portion of 75107  
their allocations as provided in appropriation item 235-501, State 75108  
Share of Instruction, and state matching funds provided in 75109  
appropriation item 235-433, Economic Growth Challenge. In each 75110  
fiscal year, the Board of Regents shall withhold each 75111  
participating state-assisted university's required matching share 75112  
from its allocation as provided in appropriation item 235-501, 75113  
State Share of Instruction. Additionally, those accredited Ohio 75114  
institutions of higher education holding certificates of 75115  
authorization under section 1713.02 of the Revised Code electing 75116  
to participate in the Innovation Incentive Program shall be 75117  
required to set aside an amount comparable to the state-assisted 75118  
doctoral degree-granting universities. The criteria for the 75119  
determination of this amount shall be developed by the Board of 75120  
Regents. 75121

Of the foregoing appropriation item 235-433, Economic Growth 75122  
Challenge, \$4,686,194 in each fiscal year shall match funds set 75123  
aside by the participating universities under the Innovation 75124  
Incentive Program. 75125

The Board of Regents shall use the combined amount of each 75126  
participating state-assisted university's set aside of the 75127  
doctoral reserve that has been withheld, the state matching funds 75128  
earmarked under appropriation item 235-433, Economic Growth 75129  
Challenge, and the amount set aside by each accredited Ohio 75130  
institution of higher education holding a certificate of 75131  
authorization under section 1713.02 of the Revised Code electing 75132  
to participate in the Innovation Incentive Program to make awards 75133  
through a competitive process under the Innovation Incentive 75134  
Program. Only universities electing to set aside the prescribed 75135  
amount shall be eligible to compete for and receive Innovation 75136  
Incentive awards. The participating universities shall use these 75137

awards to restructure their array of doctoral programs. 75138

Of the foregoing appropriation item 235-433, Economic Growth 75139  
Challenge, \$500,000 in each fiscal year shall be distributed for 75140  
the Technology Commercialization Incentive. The purpose of the 75141  
Technology Commercialization Incentive is to reward public and 75142  
private colleges and universities for successful technology 75143  
transfer to Ohio-based business and industry resulting in the 75144  
commercialization of new products, processes, and services and the 75145  
establishment of new business start-ups within the state. The 75146  
Third Frontier Commission, with counsel from the Third Frontier 75147  
Advisory Board, shall establish the eligibility criteria for 75148  
public and private colleges and universities interested in 75149  
applying for Technology Commercialization Incentive funding. To 75150  
qualify for the funds, public and private colleges and 75151  
universities must maintain a significant investment in their own 75152  
technology-transfer and commercialization operation and 75153  
capabilities, and possess a significant history of successful 75154  
research partnerships with Ohio-based business and industry. 75155

**Section 375.20.50. COLLEGE READINESS AND ACCESS** 75156

Appropriation item 235-434, College Readiness and Access, 75157  
shall be used by the Board of Regents to support programs designed 75158  
to improve the academic preparation and increase the number of 75159  
students that enroll and succeed in higher education such as the 75160  
Ohio College Access Network, the state match for the federal 75161  
Gaining Early Awareness and Readiness for Undergraduate Program, 75162  
and early awareness initiatives. The appropriation item shall also 75163  
be used to support innovative statewide strategies to increase 75164  
student access and retention for specialized populations, and to 75165  
provide for pilot projects that will contribute to improving 75166  
access to higher education by specialized populations. The funds 75167  
also may be used for projects that improve access for nonpublic 75168

secondary students. 75169

Of the foregoing appropriation item 235-434, College 75170  
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 75171  
fiscal year 2009 shall be distributed to the Ohio Appalachian 75172  
Center for Higher Education at Shawnee State University. The board 75173  
of directors of the Center shall consist of the presidents of 75174  
Shawnee State University, Belmont Technical College, Hocking 75175  
College, Jefferson Community College, Zane State College, Rio 75176  
Grande Community College, Southern State Community College, and 75177  
Washington State Community College; the president of Ohio 75178  
University or a designee of the president; the dean of one of the 75179  
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 75180  
State University, as designated by the president of Kent State 75181  
University; and a representative of the Board of Regents 75182  
designated by the Chancellor. 75183

Of the foregoing appropriation item 235-434, College 75184  
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 75185  
fiscal year 2009 shall be distributed to Miami University for the 75186  
Student Achievement in Research and Scholarship (STARS) Program. 75187

Of the foregoing appropriation item 235-434, College 75188  
Readiness and Access, \$3,503,985 in each fiscal year shall be used 75189  
in conjunction with funding provided in the Ohio Department of 75190  
Education budget under appropriation item 200-431, School 75191  
Improvement Initiatives, to support the Early College High School 75192  
Program. The funds shall be distributed according to guidelines 75193  
established by the Department of Education and the Board of 75194  
Regents. 75195

**Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES** 75196

Appropriation item 235-435, Teacher Improvement Initiatives, 75197  
shall be used by the Board of Regents to support programs such as 75198  
OSI - Discovery and the Centers of Excellence in Mathematics and 75199

Science designed to raise the quality of mathematics and science 75200  
teaching in primary, secondary, and post-secondary education. 75201

Of the foregoing appropriation item 235-435, Teacher 75202  
Improvement Initiatives, \$204,049 in each fiscal year shall be 75203  
distributed to the Mathematics and Science Center in Lake County. 75204

Of the foregoing appropriation item 235-435, Teacher 75205  
Improvement Initiatives, \$106,619 in each fiscal year shall be 75206  
distributed to the Ohio Mathematics and Science Coalition. 75207

Of the foregoing appropriation item 235-435, Teacher 75208  
Improvement Initiatives, \$100,000 in each fiscal year shall be 75209  
distributed to the Teacher Quality Partnerships study. 75210

Of the foregoing appropriation item 235-435, Teacher 75211  
Improvement Initiatives, \$100,000 in each fiscal year shall be 75212  
distributed to the Sinclair Community College Distance Learning 75213  
STEM Partnership. 75214

Of the foregoing appropriation item 235-435, Teacher 75215  
Improvement Initiatives, \$874,871 in each fiscal year shall be 75216  
distributed to the Ohio Resource Center for Mathematics, Science, 75217  
and Reading. The funds shall be used to support a resource center 75218  
for mathematics, science, and reading to be located at a 75219  
state-assisted university for the purpose of identifying best 75220  
educational practices in primary and secondary schools and 75221  
establishing methods for communicating them to colleges of 75222  
education and school districts. The Ohio Resource Center for 75223  
Mathematics, Science, and Reading shall not make available 75224  
resources that are inconsistent with the K-12 science standards 75225  
and policies as adopted by the State Board of Education. 75226

Of the foregoing appropriation item 235-435, Teacher 75227  
Improvement Initiatives, up to \$2,000,000 in each fiscal year 75228  
shall be used to support up to ten regional summer academies that 75229  
focus on foreign language, science, mathematics, engineering, and 75230

technology and prepare eleventh and twelfth grade students 75231  
enrolled in public or chartered nonpublic schools to pursue 75232  
college-level foreign language, mathematics, science, technology, 75233  
and engineering, with a focus on secondary teaching in these 75234  
disciplines. Successful completion of these academics shall result 75235  
in dual high school and college credits. Costs shall be based upon 75236  
reasonable expenses, as determined by the Board of Regents, that 75237  
institutions of higher education may incur for faculty, supplies, 75238  
and other associated costs. 75239

Of the foregoing appropriation item 235-435, Teacher 75240  
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 75241  
shall be used to fund teacher-signing bonuses for individuals that 75242  
enter the teaching profession in a public school district or 75243  
school district building that has been designated a hard-to-staff 75244  
school by the Department of Education. To qualify for the signing 75245  
bonus, an individual must: (a) be licensed to teach; (b) be 75246  
assigned to teach in foreign language, science, or mathematics; 75247  
and (c) agree to teach in a hard-to-staff school for a minimum of 75248  
five years. An individual may qualify for up to \$20,000 in 75249  
state-funded bonuses if all obligations are met. The Board of 75250  
Regents shall develop this program jointly with the Department of 75251  
Education and the Partnership for Continued Learning. An 75252  
individual may participate in either the teacher-signing bonus 75253  
program or the teacher loan-forgiveness program, but may not 75254  
receive benefits from both programs. The Board of Regents shall 75255  
recoup funds received by any program participant who has not 75256  
fulfilled the five-year teaching obligation as described in this 75257  
section. 75258

Of the foregoing appropriation item 235-435, Teacher 75259  
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 75260  
shall be used to fund teacher loan-forgiveness for individuals 75261  
that enter the teaching profession in a school district or school 75262

district building that has been designated as a hard-to-staff 75263  
school by the Department of Education. To qualify for the loan 75264  
forgiveness, an individual must: (a) be licensed to teach; (b) be 75265  
assigned to teach in foreign language, science, or mathematics; 75266  
and (c) agree to teach in a hard-to-staff school for a minimum of 75267  
five years. An individual may qualify for up to \$20,000 in state 75268  
funded loan forgiveness if all obligations are met. The Board of 75269  
Regents shall develop this program jointly with the Department of 75270  
Education and the Partnership for Continued Learning. An 75271  
individual may participate in either the teacher-signing bonus 75272  
program or the teacher loan-forgiveness program, but may not 75273  
receive benefits from both programs. The Board of Regents shall 75274  
recoup funds received by any program participant who has not 75275  
fulfilled the five-year teaching obligation as described in this 75276  
section. 75277

**Section 375.20.70. ACCELERATEOHIO** 75278

Of the foregoing appropriation item 235-436, AccelerateOhio, 75279  
\$500,000 in each fiscal year shall be used to support the Health 75280  
Information and Imaging Technology Workforce Development Pilot 75281  
Project pursuant to section 3333.55 of the Revised Code. 75282

The remainder of the foregoing appropriation item 235-436 75283  
AccelerateOhio, shall be used by the Board of Regents, in 75284  
collaboration with Ohio's public two-year campuses, to develop and 75285  
implement a statewide program designed to improve the education 75286  
and skills of Ohio's workforce by assisting low-income working 75287  
adults in Ohio to improve their education and training. 75288  
AccelerateOhio shall consist of competency-based, low-cost, 75289  
noncredit, and credit-bearing modules and courses in 75290  
communications, mathematics, and information technology, and other 75291  
fields selected by the Board of Regents. The program shall be 75292  
designed to culminate in a certificate and provide recipients with 75293

a foundation for additional post-secondary education. 75294

**Section 375.20.76. CHOOSE OHIO FIRST SCHOLARSHIP 75295**

The foregoing appropriation item 235-438, Choose Ohio First 75296  
Scholarship, shall be disbursed pursuant to sections 3333.60 to 75297  
3333.70 of the Revised Code. 75298

**Section 375.20.77. OHIO RESEARCH SCHOLARS 75299**

The foregoing appropriation item 235-439, Ohio Research 75300  
Scholars, shall be disbursed pursuant to sections 3333.60 to 75301  
3333.70 of the Revised Code. 75302

**Section 375.20.80. EMINENT SCHOLARS 75303**

The foregoing appropriation item 235-451, Eminent Scholars, 75304  
shall be used by the Ohio Board of Regents to continue the Ohio 75305  
Eminent Scholars Program, the purpose of which is to invest 75306  
educational resources to address problems that are of vital 75307  
statewide significance while fostering the growth in eminence of 75308  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 75309  
shall allow Ohio universities to recruit senior faculty members 75310  
from outside Ohio who are nationally and internationally 75311  
recognized scholars in areas of science and technology that 75312  
provide the basic research platforms on which the state's 75313  
technology and commercialization efforts are built. Endowment 75314  
grants to state colleges and universities and nonprofit Ohio 75315  
institutions of higher education holding certificates of 75316  
authorization issued under section 1713.02 of the Revised Code to 75317  
match endowment gifts from nonstate sources may be made in 75318  
accordance with a plan established by the Ohio Board of Regents. 75319  
Matching nonstate endowment gifts shall be equal to the state's 75320  
endowment grant. The grants shall have as their purpose attracting 75321  
and sustaining in Ohio scholar-leaders of national or 75322



international prominence; each grant shall assist in accelerating 75323  
state economic growth through research that provides an essential 75324  
basic science platform for commercialization efforts. Such 75325  
scholar-leaders shall, among their duties, share broadly the 75326  
benefits and knowledge unique to their fields of scholarship to 75327  
the betterment of Ohio and its people and collaborate with other 75328  
state technology programs and program recipients. 75329

All new Eminent Scholar awards made by the Board of Regents 75330  
shall be associated with a Wright Center of Innovation, a 75331  
Partnership Award from the Biomedical Research and Technology 75332  
Transfer Trust Fund, or a Wright Capital Project. 75333

**Section 375.20.90. ENTERPRISEOHIO NETWORK** 75334

The foregoing appropriation item 235-455, EnterpriseOhio 75335  
Network, shall be allocated by the Board of Regents to continue 75336  
increasing the capabilities of the EnterpriseOhio Network to meet 75337  
the ongoing training needs of Ohio employers. Funds shall support 75338  
multicampus collaboration, best practice dissemination, and 75339  
capacity building projects. The Regents Advisory Committee for 75340  
Workforce Development, in its advisory role, shall advise in the 75341  
development of plans and activities. 75342

**Section 375.30.10. AREA HEALTH EDUCATION CENTERS** 75343

The foregoing appropriation item 235-474, Area Health 75344  
Education Centers Program Support, shall be used by the Board of 75345  
Regents to support the medical school regional area health 75346  
education centers' educational programs for the continued support 75347  
of medical and other health professions education and for support 75348  
of the Area Health Education Center Program. 75349

Of the foregoing appropriation item 235-474, Area Health 75350  
Education Centers Program Support, \$159,158 in each fiscal year 75351  
shall be disbursed to the Ohio University College of Osteopathic 75352

Medicine to operate a mobile health care unit to serve the 75353  
southeastern area of the state. 75354

Of the foregoing appropriation item 235-474, Area Health 75355  
Education Centers Program Support, \$119,369 in each fiscal year 75356  
shall be used to support the Ohio Valley Community Health 75357  
Information Network (OVCHIN) project. 75358

**Section 375.30.20. STATE SHARE OF INSTRUCTION** 75359

The Board of Regents shall establish procedures to allocate 75360  
the foregoing appropriation item 235-501, State Share of 75361  
Instruction, based on the formulas and enrollment in the 75362  
instructional models set out in this section. 75363

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 75364

(1) As soon as practicable during each fiscal year of the 75365  
biennium ending June 30, 2009, in accordance with instructions of 75366  
the Board of Regents, each state-assisted institution of higher 75367  
education shall report its actual enrollment to the Board of 75368  
Regents. 75369

(2) In defining the number of full-time equivalent students 75370  
for state subsidy purposes, the Board of Regents shall exclude all 75371  
undergraduate students who are not residents of Ohio, except those 75372  
charged in-state fees in accordance with reciprocity agreements 75373  
made under section 3333.17 of the Revised Code or employer 75374  
contracts entered into under section 3333.32 of the Revised Code. 75375

(3) In calculating the core subsidy entitlements for Medical 75376  
II models only, the Board of Regents shall use the following count 75377  
of FTE students: 75378

(a) For those medical schools whose current year enrollment, 75379  
including students repeating terms, is below the base enrollment, 75380  
the Medical II FTE enrollment shall equal: 65 per cent of the base 75381  
enrollment plus 35 per cent of the current year enrollment 75382

including students repeating terms, where the base enrollment is:		75383
The Ohio State University	1010	75384
University of Cincinnati	833	75385
University of Toledo	650	75386
Wright State University	433	75387
Ohio University	433	75388
Northeastern Ohio Universities College of Medicine	433	75389

(b) For those medical schools whose current year enrollment, 75390  
 excluding students repeating terms, is equal to or greater than 75391  
 the base enrollment, the Medical II FTE enrollment shall equal the 75392  
 base enrollment plus the FTE for repeating students. 75393

(c) Students repeating terms may be no more than five per 75394  
 cent of current year enrollment. 75395

(4) The state share of instruction to state-supported 75396  
 universities for students enrolled in law schools in fiscal year 75397  
 2008 and fiscal year 2009 shall be calculated by using the number 75398  
 of subsidy-eligible FTE law school students funded by state 75399  
 subsidy in fiscal year 1995 or the actual number of 75400  
 subsidy-eligible FTE law school students at the institution in the 75401  
 fiscal year, whichever is less. 75402

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 75403

For purposes of calculating state share of instruction 75404  
 allocations, the total instructional costs per full-time 75405  
 equivalent student shall be: 75406

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	75408
ARTS AND HUMANITIES 2	9,431	9,790	75409
ARTS AND HUMANITIES 3	12,186	12,649	75410
ARTS AND HUMANITIES 4	17,836	18,514	75411

ARTS AND HUMANITIES 5	27,829	28,887	75412
ARTS AND HUMANITIES 6	34,540	35,852	75413
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	75414
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	75415
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	75416
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	75417
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	75418
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	75419
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	75420
MEDICAL 1	43,190	44,831	75421
MEDICAL 2	47,635	49,445	75422
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	75423
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	75424
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	75425
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	75426
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	75427
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	75428
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	75429
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	75430
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	75431
Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(1) of this section.			75432 75433
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			75434 75435

For the purpose of implementing the recommendations of the State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

Model	Fiscal Year 2008	Fiscal Year 2009	
			75436
			75437
			75438
			75439
			75440
			75441
			75442
ARTS AND HUMANITIES 1	1.000	1.000	75443
ARTS AND HUMANITIES 2	1.000	1.000	75444
ARTS AND HUMANITIES 3	1.000	1.000	75445
ARTS AND HUMANITIES 4	1.000	1.000	75446
ARTS AND HUMANITIES 5	1.250	1.250	75447
ARTS AND HUMANITIES 6	1.250	1.250	75448
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	75449
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	75450
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	75451
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	75452
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	75453
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	75454
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	75455
MEDICAL 1	1.500	1.500	75456
MEDICAL 2	1.728	1.728	75457
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.000	1.000	75458
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	75459
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	75460
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	75461
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	75462

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	2.081	2.081	75463
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.702	1.702	75464
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.808	1.808	75465
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.341	1.341	75466
MEDICINE 9			

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 75467  
ENTITLEMENTS AND ADJUSTMENTS 75468

(1) Of the foregoing appropriation item 235-501, State Share 75469  
of Instruction, up to 10.44 per cent of the appropriation in each 75470  
fiscal year shall be reserved for support of doctoral programs to 75471  
implement the recommendations of the Graduate Funding Commission. 75472  
The amount so reserved shall be referred to as the doctoral 75473  
set-aside. 75474

The doctoral set-aside shall be allocated to universities in 75475  
proportion to their share of the total number of Doctoral I 75476  
equivalent FTEs as calculated on an institutional basis using the 75477  
greater of the two-year or five-year FTEs for the period fiscal 75478  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 75479  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 75480  
adjusted to reflect the effects of doctoral review and subsequent 75481  
changes in Doctoral I equivalent enrollments. For the purposes of 75482  
this calculation, Doctoral I equivalent FTEs shall equal the sum 75483  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 75484

If a university participates in the Innovation Incentive 75485  
Program outlined in appropriation item 235-433, Economic Growth 75486  
Challenge, in fiscal year 2008 the Board of Regents shall withhold 75487  
the university's increasing matching share required by the 75488  
Innovation Incentive Program from its allocation of the doctoral 75489  
set-aside. 75490

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 amount as each campus's instructional costs.

(c) The Board of Regents shall compute a uniform state share of instructional costs by dividing the appropriations for 235-501, State Share of Instruction, less the doctoral set-aside calculated in division (D)(1) of this section, by the sum of all campuses' instructional costs as calculated in division (D)(2)(b) of this section.

(d) The formula entitlement for each campus shall be 75522  
determined by multiplying the uniform state share of costs 75523  
calculated in division (D)(2)(c) of this section by the campus's 75524  
instructional cost determined in division (D)(2)(b) of this 75525  
section. 75526

(3) In addition to the doctoral set-aside allocation 75527  
determined in division (D)(1) of this section and the formula 75528  
entitlement determined in division (D)(2) of this section, an 75529  
allocation based on fiscal year 2007 facility-based plant 75530  
operations and maintenance (POM) subsidy shall be made. No campus 75531  
shall be eligible for a POM allocation if the campus did not 75532  
receive a net-assignable-square-foot-based (NASF) POM allocation 75533  
in fiscal year 2007 and the amount of state share of instruction 75534  
subsidy the campus would have received in fiscal year 2007 had the 75535  
campus's calculation been based on the state share of instruction 75536  
method described in this section, but using relevant fiscal year 75537  
2007 data, is less than 98.5% of the campus's actual final fiscal 75538  
year 2007 state share of instruction earnings. 75539

For each eligible campus, the amount of the POM allocation in 75540  
each fiscal year shall be the lesser of: 75541

(a) 98.5% of the campus's actual final fiscal year 2007 state 75542  
share of instruction earnings, minus the amount the campus would 75543  
have received in fiscal year 2007 had the campus's calculation 75544  
been based on the state share of instruction method described in 75545  
this section, but using relevant fiscal year 2007 data; or 75546

(b) The actual final fiscal year 2007 75547  
net-assignable-square-foot-based (NASF) POM allocation that was 75548  
provided to the campus. 75549

Any POM allocations required by this division shall be funded 75550  
by proportionately reducing formula entitlement earnings, 75551  
including the POM allocations, for all campuses. 75552



The Board of Regents, in consultation with representatives of state-assisted colleges and universities, shall study the need for the facility-based POM allocations and make recommendations for changes by June 30, 2008.

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE

In addition to and after the other adjustment noted above, in each fiscal year, no campus shall receive a state share of instruction allocation that is less than 100 per cent of the prior year's state share of instruction amount. Funds shall be made available to fund this guarantee provision by recalculating the uniform state share as described in division (D)(2)(c) of this section by subtracting guarantee funds and the doctoral set-aside from the total appropriations for appropriation item 235-501, State Share of Instruction.

(5) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, and Am. Sub. H.B. 699 of the 126th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235-552, Capital Component, in each fiscal year.

(E) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Board of Regents to state-assisted colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be

made without the recommendation of the Chancellor and the approval 75584  
of the Controlling Board. 75585

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 75586  
INSTRUCTION 75587

The standard provisions of the state share of instruction 75588  
calculation as described in the preceding sections of temporary 75589  
law shall apply to any reductions made to appropriation item 75590  
235-501, State Share of Instruction, before the Board of Regents 75591  
has formally approved the final allocation of the state share of 75592  
instruction funds for any fiscal year. 75593

Any reductions made to appropriation item 235-501, State 75594  
Share of Instruction, after the Board of Regents has formally 75595  
approved the final allocation of the state share of instruction 75596  
funds for any fiscal year, shall be uniformly applied to each 75597  
campus in proportion to its share of the final allocation. 75598

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 75599

The state share of instruction payments to the institutions 75600  
shall be in substantially equal monthly amounts during the fiscal 75601  
year, unless otherwise determined by the Director of Budget and 75602  
Management pursuant to section 126.09 of the Revised Code. 75603  
Payments during the first six months of the fiscal year shall be 75604  
based upon the state share of instruction appropriation estimates 75605  
made for the various institutions of higher education according to 75606  
Board of Regents enrollment estimates. Payments during the last 75607  
six months of the fiscal year shall be distributed after approval 75608  
of the Controlling Board upon the request of the Board of Regents. 75609

**Section 375.30.25.** STATE SHARE OF INSTRUCTION FOR FISCAL 75610  
YEARS 2008 AND 2009 75611

(A) The boards of trustees of institutions of state-supported 75612  
higher education shall restrain increases in in-state 75613

undergraduate instructional and general fees. For the 2007-2008 75614  
academic year, each state-supported institution shall not increase 75615  
its in-state undergraduate instructional and general fees over 75616  
what the institution charged for the 2006-2007 academic year. For 75617  
the 2008-2009 academic year, each state-supported institution 75618  
shall not increase its in-state undergraduate instructional and 75619  
general fees over what the institution charged for the 2007-2008 75620  
academic year. 75621

These limitations shall not apply to increases required to 75622  
comply with institutional covenants related to their obligations 75623  
or to meet unfunded legal mandates or legally binding obligations 75624  
incurred or commitments made prior to the effective date of this 75625  
section with respect to which the institution had identified such 75626  
fee increases as the source of funds. Any increase required by 75627  
such covenants and any such mandates, obligations, or commitments 75628  
shall be reported by the Board of Regents to the Controlling 75629  
Board. These limitations may also be modified by the Board of 75630  
Regents, with the approval of the Controlling Board, to respond to 75631  
exceptional circumstances as identified by the Board of Regents. 75632

Of the foregoing appropriation item 235-501, State Share of 75633  
Instruction, \$58,000,000 in fiscal year 2008 and \$60,000,000 in 75634  
fiscal year 2009 shall be distributed based on each campus's 75635  
proportional share of the total in-state undergraduate 75636  
instructional and general fees for fiscal year 2007. For purposes 75637  
of this subsidy, the in-state undergraduate instructional and 75638  
general fee amounts for all campuses except for Miami University 75639  
shall be determined by multiplying the number of a campus's 75640  
in-state full-time equivalent undergraduate students by the 75641  
campus's full-time in-state undergraduate instructional and 75642  
general fees, prior to deducting any scholarships and student 75643  
financial aid grants. In the case of Miami University, the 75644  
instructional and general fee amount used in the calculation shall 75645

be the average full-time in-state undergraduate instructional and 75646  
general fee amount after taking into account Ohio Resident and 75647  
Ohio Leader scholarships. 75648

The remainder of appropriation item 235-501, State Share of 75649  
Instruction, shall be distributed according to division (B) of 75650  
this section. 75651

(B)(1) Notwithstanding the distribution formulas outlined in 75652  
Section 375.30.20 of this act, in fiscal year 2008 each 75653  
state-supported institution shall receive what was received in 75654  
fiscal year 2007. In addition, each institution shall receive a 75655  
proportional share of the total appropriation increase from fiscal 75656  
year 2007 to fiscal year 2008 in appropriation item 235-501, State 75657  
Share of Instruction, if the institution demonstrates one per cent 75658  
savings through identified internal efficiencies in fiscal year 75659  
2008, as certified by the Chancellor of the Board of Regents. 75660

Notwithstanding the distribution formulas outlined in Section 75661  
375.30.20 of this act, in fiscal year 2009 each state-supported 75662  
institution shall receive what was received in fiscal year 2008. 75663  
In addition, each institution shall receive a proportional share 75664  
of the total appropriation increase from fiscal year 2008 to 75665  
fiscal year 2009 in appropriation item 235-501, State Share of 75666  
Instruction, if the institution demonstrates three per cent 75667  
savings through identified internal efficiencies in fiscal year 75668  
2009, as certified by the Chancellor of the Board of Regents. 75669

(2) In each fiscal year, state share of instruction earnings 75670  
shall be reduced for each campus by the amount, if any, by which 75671  
debt service charged in Am. H.B. 748 of the 121st General 75672  
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 75673  
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 75674  
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 75675  
and Am. Sub. H.B. 699 of the 126th General Assembly for that 75676  
campus exceeds that campus's capital component earnings. The sum 75677

of the amounts deducted shall be transferred to appropriation item 75678  
235-552, Capital Component, in each fiscal year. 75679

Adjustments may be made to the state share of instruction 75680  
payments and other subsidies distributed by the Board of Regents 75681  
to state-assisted colleges and universities for exceptional 75682  
circumstances. No adjustments for exceptional circumstances may be 75683  
made without the recommendation of the Board of Regents and the 75684  
approval of the Controlling Board. 75685

Any reductions made to appropriation item 235-501, State 75686  
Share of Instruction, shall be uniformly applied to each campus in 75687  
proportion to its share of the allocation. 75688

The state share of instruction payments to the institutions 75689  
shall be in substantially equal monthly amounts during the fiscal 75690  
year, unless otherwise determined by the Director of Budget and 75691  
Management pursuant to section 126.09 of the Revised Code. 75692  
Payments during the last six months of the fiscal year shall be 75693  
distributed after approval of the Controlling Board upon the 75694  
request of the Board of Regents. 75695

(C) In consultation with the Department of Development, the 75696  
Chancellor of the Board of Regents shall commission a study on the 75697  
needs of the business community relative to higher education in 75698  
the state. The study shall include all of the following: 75699

(1) Determine the needs of Ohio's business community; 75700

(2) Determine whether state-supported institutions of higher 75701  
education are meeting those needs; 75702

(3) Identify how state-supported institutions of higher 75703  
education can improve to meet those needs; 75704

(4) Identify the necessary skills and talents required by the 75705  
business community that Ohio's college graduates must have in 75706  
order to perform in the workplace; and 75707

(5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community.

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.

(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:

(1) A plan to achieve the access goal of increasing the number of Ohioans with a college degree by 230,000 by 2017;

(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;

(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;

(4) A plan to enhance the state's competitiveness for attracting federal and other support for research and development at public research universities; such a plan shall include goals for reaching or exceeding the national average level of support, on a per capita basis, for research and development;

(5) A plan to promote higher education throughout the state through the coordinated leadership efforts of the Governor, the Chancellor of the Board of Regents, and other stakeholders; such a plan shall include goals for using various media and other

partnerships to raise awareness of college opportunities, to 75739  
increase public awareness about the value of a college education, 75740  
and to create a shared vision that a higher education is 75741  
attainable by all Ohioans. 75742

Each of these plans shall include key outcome measures and 75743  
other appropriate indicators to allow for monitoring of progress 75744  
made in meeting the established goals. Each state-supported 75745  
institution of higher education shall provide any student and 75746  
institutional outcome data in any program areas requested by the 75747  
Chancellor of the Board of Regents, including program efficiency 75748  
and utilization of state resources. Each state-supported 75749  
institution of higher education shall also commit to increasing 75750  
inter-institution collaborations and partnerships and enhancing 75751  
efficiencies with the goal of achieving measurable increases in 75752  
savings. 75753

In consultation with state-supported institutions of higher 75754  
education, the Chancellor of the Board of Regents shall study the 75755  
feasibility of establishing and implementing a tuition flexibility 75756  
plan that may allow state-supported institutions of higher 75757  
education to charge per-credit-hour-based tuition or differential 75758  
tuition. 75759

Not later than December 31, 2007, the Chancellor of the Board 75760  
of Regents shall report the plan and the tuition flexibility 75761  
feasibility study to the Governor, the Speaker and the Minority 75762  
Leader of the House of Representatives, and the President and the 75763  
Minority Leader of the Senate. 75764

**Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES** 75765

Funds appropriated for instructional subsidies at colleges 75766  
and universities may be used to provide such branch or other 75767  
off-campus undergraduate courses of study and such master's degree 75768  
courses of study as may be approved by the Board of Regents. 75769

In providing instructional and other services to students, 75770  
boards of trustees of state-assisted institutions of higher 75771  
education shall supplement state subsidies by income from charges 75772  
to students. Each board shall establish the fees to be charged to 75773  
all students, including an instructional fee for educational and 75774  
associated operational support of the institution and a general 75775  
fee for noninstructional services, including locally financed 75776  
student services facilities used for the benefit of enrolled 75777  
students. The instructional fee and the general fee shall 75778  
encompass all charges for services assessed uniformly to all 75779  
enrolled students. Each board may also establish special purpose 75780  
fees, service charges, and fines as required; such special purpose 75781  
fees and service charges shall be for services or benefits 75782  
furnished individual students or specific categories of students 75783  
and shall not be applied uniformly to all enrolled students. 75784  
Except for the board of trustees of Miami University, in 75785  
implementing the pilot tuition restructuring plan recognized in 75786  
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 75787  
and again recognized by this act, a tuition surcharge shall be 75788  
paid by all students who are not residents of Ohio. 75789

The board of trustees of a state-assisted institution of 75790  
higher education shall not authorize a waiver or nonpayment of 75791  
instructional fees or general fees for any particular student or 75792  
any class of students other than waivers specifically authorized 75793  
by law or approved by the Chancellor. This prohibition is not 75794  
intended to limit the authority of boards of trustees to provide 75795  
for payments to students for services rendered the institution, 75796  
nor to prohibit the budgeting of income for staff benefits or for 75797  
student assistance in the form of payment of such instructional 75798  
and general fees. This prohibition is not intended to limit the 75799  
authority of the board of trustees of Miami University in 75800  
providing financial assistance to students in implementing the 75801  
pilot tuition restructuring plan recognized in Section 89.05 of 75802



Am. Sub. H.B. 95 of the 125th General Assembly and again 75803  
recognized by this act. 75804

Except for Miami University, in implementing the pilot 75805  
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 75806  
H.B. 95 of the 125th General Assembly and again recognized by this 75807  
act, each state-assisted institution of higher education in its 75808  
statement of charges to students shall separately identify the 75809  
instructional fee, the general fee, the tuition charge, and the 75810  
tuition surcharge. Fee charges to students for instruction shall 75811  
not be considered to be a price of service but shall be considered 75812  
to be an integral part of the state government financing program 75813  
in support of higher educational opportunity for students. 75814

The board of trustees of state-assisted institutions of 75815  
higher education shall ensure that faculty members devote a proper 75816  
and judicious part of their work week to the actual instruction of 75817  
students. Total class credit hours of production per quarter per 75818  
full-time faculty member is expected to meet the standards set 75819  
forth in the budget data submitted by the Board of Regents. 75820

The authority of government vested by law in the boards of 75821  
trustees of state-assisted institutions of higher education shall 75822  
in fact be exercised by those boards. Boards of trustees may 75823  
consult extensively with appropriate student and faculty groups. 75824  
Administrative decisions about the utilization of available 75825  
resources, about organizational structure, about disciplinary 75826  
procedure, about the operation and staffing of all auxiliary 75827  
facilities, and about administrative personnel shall be the 75828  
exclusive prerogative of boards of trustees. Any delegation of 75829  
authority by a board of trustees in other areas of responsibility 75830  
shall be accompanied by appropriate standards of guidance 75831  
concerning expected objectives in the exercise of such delegated 75832  
authority and shall be accompanied by periodic review of the 75833  
exercise of this delegated authority to the end that the public 75834

interest, in contrast to any institutional or special interest, 75835  
shall be served. 75836

**Section 375.30.40. STUDENT SUPPORT SERVICES** 75837

The foregoing appropriation item 235-502, Student Support 75838  
Services, shall be distributed by the Board of Regents to Ohio's 75839  
state-assisted colleges and universities that incur 75840  
disproportionate costs in the provision of support services to 75841  
disabled students. 75842

**Section 375.30.50. OHIO INSTRUCTIONAL GRANTS** 75843

In each fiscal year, instructional grants for all eligible 75844  
full-time students who have attended a college, university, or 75845  
proprietary school and have completed coursework for college 75846  
credit, excluding early college high school and post-secondary 75847  
enrollment option students, prior to academic year 2006-2007, 75848  
shall be made using the tables under section 3333.12 of the 75849  
Revised Code. 75850

Of the foregoing appropriation item 235-503, Ohio 75851  
Instructional Grants, an amount in each fiscal year shall be used 75852  
to make the payments authorized by division (C) of section 3333.26 75853  
of the Revised Code to the institutions described in that 75854  
division. In addition, an amount in each fiscal year shall be used 75855  
to reimburse the institutions described in division (B) of section 75856  
3333.26 of the Revised Code for the cost of the waivers required 75857  
by that division. 75858

The unencumbered balance of appropriation item 235-503, Ohio 75859  
Instructional Grants, at the end of fiscal year 2008 shall be 75860  
transferred to fiscal year 2009 for use under the same 75861  
appropriation item. The amounts transferred are hereby 75862  
appropriated. 75863

**Section 375.30.60. WAR ORPHANS SCHOLARSHIPS** 75864

The foregoing appropriation item 235-504, War Orphans 75865  
Scholarships, shall be used to reimburse state-assisted 75866  
institutions of higher education for waivers of instructional fees 75867  
and general fees provided by them, to provide grants to 75868  
institutions that have received a certificate of authorization 75869  
from the Ohio Board of Regents under Chapter 1713. of the Revised 75870  
Code, in accordance with the provisions of section 5910.04 of the 75871  
Revised Code, and to fund additional scholarship benefits provided 75872  
by section 5910.032 of the Revised Code. 75873

**Section 375.30.70. OHIOLINK** 75874

The foregoing appropriation item 235-507, OhioLINK, shall be 75875  
used by the Board of Regents to support OhioLINK, the state's 75876  
electronic library information and retrieval system, which 75877  
provides access statewide to an extensive set of electronic 75878  
databases and resources and the library holdings of all of Ohio's 75879  
public colleges and universities, 44 private colleges, and the 75880  
State Library of Ohio. 75881

**Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY** 75882

The foregoing appropriation item 235-508, Air Force Institute 75883  
of Technology, shall be used to strengthen the research and 75884  
educational linkages between the Wright Patterson Air Force Base 75885  
and institutions of higher education in Ohio. Of the foregoing 75886  
appropriation item 235-508, Air Force Institute of Technology, 75887  
\$1,358,588 in each fiscal year shall be used for research projects 75888  
that connect the Air Force Research Laboratories with university 75889  
partners. The institute shall provide annual reports to the Third 75890  
Frontier Commission, that discuss existing, planned, or possible 75891  
collaborations between programs and funding recipients related to 75892  
technology, research development, commercialization, and support 75893

for Ohio's economic development. 75894

Of the foregoing appropriation item 235-508, Air Force 75895  
Institute of Technology, \$691,757 in each fiscal year shall be 75896  
used to match federal dollars to support technology 75897  
commercialization and job creation. The Development Research 75898  
Corporation shall use the funds to create or expand Ohio-based 75899  
technology and commercial development collaborations in areas that 75900  
are a priority in Ohio's third frontier initiative between 75901  
industry, academia, and government. 75902

**Section 375.30.90. OHIO SUPERCOMPUTER CENTER** 75903

The foregoing appropriation item 235-510, Ohio Supercomputer 75904  
Center, shall be used by the Board of Regents to support the 75905  
operation of the Ohio Super Computer Center, located at The Ohio 75906  
State University, as a statewide resource available to Ohio 75907  
research universities both public and private. It is also intended 75908  
that the center be made accessible to private industry as 75909  
appropriate. Policies of the center shall be established by a 75910  
governance committee, representative of Ohio's research 75911  
universities and private industry, to be appointed by the 75912  
Chancellor of the Board of Regents and established for this 75913  
purpose. 75914

Funds shall be used, in part, to support the Ohio 75915  
Supercomputer Center's Computational Science Initiative which 75916  
includes its industrial outreach program, Blue Collar Computing, 75917  
and its School of Computational Science. These collaborations 75918  
between the Ohio Supercomputer Center and Ohio's colleges and 75919  
universities shall be aimed at making Ohio a leader in using 75920  
computer modeling to promote economic development. 75921

Of the foregoing appropriation item 235-510, Ohio 75922  
Supercomputer Center, \$250,000 in each fiscal year shall be used 75923  
to support the Super Computer Center's activities in Beavercreek. 75924

**Section 375.40.10. COOPERATIVE EXTENSION SERVICE** 75925

The foregoing appropriation item 235-511, Cooperative 75926  
Extension Service, shall be disbursed through the Board of Regents 75927  
to The Ohio State University in monthly payments, unless otherwise 75928  
determined by the Director of Budget and Management under section 75929  
126.09 of the Revised Code. 75930

Of the foregoing appropriation item 235-511, Cooperative 75931  
Extension Service, \$178,271 in each fiscal year shall be used for 75932  
additional staffing for county agents for expanded 4-H activities. 75933  
Of the foregoing appropriation item 235-511, Cooperative Extension 75934  
Service, \$178,271 in each fiscal year shall be used by the 75935  
Cooperative Extension Service, through the Enterprise Center for 75936  
Economic Development in cooperation with other agencies, for a 75937  
public-private effort to create and operate a small business 75938  
economic development program to enhance the development of 75939  
alternatives to the growing of tobacco, and implement, through 75940  
applied research and demonstration, the production and marketing 75941  
of other high-value crops and value-added products. Of the 75942  
foregoing appropriation item 235-511, Cooperative Extension 75943  
Service, \$55,179 in each fiscal year shall be used for farm labor 75944  
mediation and education programs, \$182,515 in each fiscal year 75945  
shall be used to support the Ohio State University Marion 75946  
Enterprise Center, and \$772,931 in each fiscal year shall be used 75947  
to support the Ohio Watersheds Initiative. 75948

**Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER** 75949

The foregoing appropriation item 235-513, Ohio University 75950  
Voinovich Center, shall be used by the Board of Regents to support 75951  
the operations of Ohio University's Voinovich Center. 75952

**Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL** 75953  
**EDUCATION** 75954

The Board of Regents, in consultation with the state-assisted medical colleges, shall develop performance standards for medical education. Special emphasis in the standards shall be placed on attempting to ensure that at least 50 per cent of the aggregate number of students enrolled in state-assisted medical colleges continue to enter residency as primary care physicians. Primary care physicians are general family practice physicians, general internal medicine practitioners, and general pediatric care physicians. The Board of Regents shall monitor medical school performance in relation to their plans for reaching the 50 per cent systemwide standard for primary care physicians.

**Section 375.40.35. CENTRAL STATE SUPPLEMENT**

The foregoing appropriation item 235-514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

**Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE**

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**

The foregoing appropriation item 235-518, Capitol Scholarship

Program, shall be used by the Board of Regents to provide 75984  
scholarships to undergraduates of Ohio's four-year public and 75985  
private institutions of higher education participating in the 75986  
Washington Center Internship Program. A scholarship of \$1,800 75987  
shall be awarded to students enrolled in an institution operating 75988  
on a quarter system, and a scholarship of \$2,300 shall be awarded 75989  
to students enrolled in an institution operating on a semester 75990  
system. The number of scholarships awarded shall be limited by the 75991  
amounts appropriated in fiscal years 2008 and 2009. The Washington 75992  
Center shall provide a minimum of \$1,300 per student in matching 75993  
scholarships. 75994

**Section 375.40.60. FAMILY PRACTICE** 75995

The Board of Regents shall develop plans consistent with 75996  
existing criteria and guidelines as may be required for the 75997  
distribution of appropriation item 235-519, Family Practice. 75998

**Section 375.40.70. SHAWNEE STATE SUPPLEMENT** 75999

The foregoing appropriation item 235-520, Shawnee State 76000  
Supplement, shall be used by Shawnee State University as detailed 76001  
by both of the following: 76002

(A) To allow Shawnee State University to keep its 76003  
undergraduate fees below the statewide average, consistent with 76004  
its mission of service to an economically depressed Appalachian 76005  
region; 76006

(B) To allow Shawnee State University to employ new faculty 76007  
to develop and teach in new degree programs that meet the needs of 76008  
Appalachians. 76009

**Section 375.40.80. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS** 76010

The foregoing appropriation item 235-521, The Ohio State 76011  
University John Glenn School of Public Affairs, shall be used by 76012

the Board of Regents to support the operations of the Ohio State 76013  
University's John Glenn School of Public Affairs. 76014

**Section 375.40.90. POLICE AND FIRE PROTECTION** 76015

The foregoing appropriation item 235-524, Police and Fire 76016  
Protection, shall be used for police and fire services in the 76017  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 76018  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 76019  
and the City of Nelsonville that may be used to assist these local 76020  
governments in providing police and fire protection for the 76021  
central campus of the state-affiliated university located therein. 76022  
Each participating municipality and township shall receive at 76023  
least \$5,000 in each fiscal year. Funds shall be distributed 76024  
according to the method employed by the Board of Regents in the 76025  
previous biennium. 76026

**Section 375.50.10. GERIATRIC MEDICINE** 76027

The Board of Regents shall develop plans consistent with 76028  
existing criteria and guidelines as may be required for the 76029  
distribution of appropriation item 235-525, Geriatric Medicine. 76030

**Section 375.50.20. PRIMARY CARE RESIDENCIES** 76031

The Board of Regents shall develop plans consistent with 76032  
existing criteria and guidelines as may be required for the 76033  
distribution of appropriation item 235-526, Primary Care 76034  
Residencies. 76035

The foregoing appropriation item 235-526, Primary Care 76036  
Residencies, shall be distributed in each fiscal year of the 76037  
biennium, based on whether or not the institution has submitted 76038  
and gained approval for a plan. If the institution does not have 76039  
an approved plan, it shall receive five per cent less funding per 76040  
student than it would have received from its annual allocation. 76041



The remaining funding shall be distributed among those 76042  
institutions that meet or exceed their targets. 76043

**Section 375.50.30. OHIO AEROSPACE INSTITUTE** 76044

The foregoing appropriation item 235-527, Ohio Aerospace 76045  
Institute, shall be distributed by the Board of Regents under 76046  
section 3333.042 of the Revised Code. 76047

The Board of Regents, in consultation with the Third Frontier 76048  
Commission, shall develop a plan for providing for appropriate, 76049  
value-added participation of the Ohio Aerospace Institute in Third 76050  
Frontier Project proposals and grants. 76051

**Section 375.50.40. ACADEMIC SCHOLARSHIPS** 76052

The foregoing appropriation item 235-530, Academic 76053  
Scholarships, shall be used to provide academic scholarships to 76054  
students under section 3333.22 of the Revised Code. 76055

**Section 375.50.50. STUDENT CHOICE GRANTS** 76056

The foregoing appropriation item 235-531, Student Choice 76057  
Grants, shall be used to provide Student Choice Grants under 76058  
section 3333.27 of the Revised Code. The unencumbered balance of 76059  
appropriation item 235-531, Student Choice Grants, at the end of 76060  
fiscal year 2008 shall be transferred to fiscal year 2009 for use 76061  
under the same appropriation item. The amounts transferred are 76062  
hereby appropriated. 76063

**Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 76064  
**CENTER** 76065

The foregoing appropriation item 235-535, Ohio Agricultural 76066  
Research and Development Center, shall be disbursed through the 76067  
Board of Regents to The Ohio State University in monthly payments, 76068  
unless otherwise determined by the Director of Budget and 76069

Management under section 126.09 of the Revised Code. The Ohio 76070  
Agricultural Research and Development Center shall not be required 76071  
to remit payment to The Ohio State University during the biennium 76072  
ending June 30, 2009, for cost reallocation assessments. The cost 76073  
reallocation assessments include, but are not limited to, any 76074  
assessment on state appropriations to the Center. 76075

The Ohio Agricultural Research and Development Center, an 76076  
entity of the College of Food, Agricultural, and Environmental 76077  
Sciences of The Ohio State University, shall further its mission 76078  
of enhancing Ohio's economic development and job creation by 76079  
continuing to internally allocate on a competitive basis 76080  
appropriated funding of programs based on demonstrated 76081  
performance. Academic units, faculty, and faculty-driven programs 76082  
shall be evaluated and rewarded consistent with agreed-upon 76083  
performance expectations as called for in the College's 76084  
Expectations and Criteria for Performance Assessment. 76085

Of the foregoing appropriation item 235-535, Ohio 76086  
Agricultural Research and Development Center, \$467,578 in each 76087  
fiscal year shall be used to purchase equipment. 76088

Of the foregoing appropriation item 235-535, Ohio 76089  
Agricultural Research and Development Center, \$822,592 in each 76090  
fiscal year shall be distributed to the Piketon Agricultural 76091  
Research and Extension Center. 76092

Of the foregoing appropriation item 235-535, Ohio 76093  
Agricultural Research and Development Center, \$216,471 in each 76094  
fiscal year shall be distributed to the 76095  
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 76096  
State University Medical College in cooperation with The Ohio 76097  
State University College of Agriculture. 76098

Of the foregoing appropriation item 235-535, Ohio 76099  
Agricultural Research and Development Center, \$43,294 in each 76100

fiscal year shall be used to support the Ohio Berry Administrator. 76101

Of the foregoing appropriation item 235-535, Ohio 76102  
Agricultural Research and Development Center, \$86,588 in each 76103  
fiscal year shall be used for the development of agricultural 76104  
crops and products not currently in widespread production in Ohio, 76105  
in order to increase the income and viability of family farmers. 76106

**Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING** 76107

The foregoing appropriation items 235-536, The Ohio State 76108  
University Clinical Teaching; 235-537, University of Cincinnati 76109  
Clinical Teaching; 235-538, University of Toledo Clinical 76110  
Teaching; 235-539, Wright State University Clinical Teaching; 76111  
235-540, Ohio University Clinical Teaching; and 235-541, 76112  
Northeastern Ohio Universities College of Medicine Clinical 76113  
Teaching, shall be distributed through the Board of Regents. 76114

Of the foregoing appropriation item 235-539, Wright State 76115  
University Clinical Teaching, \$124,644 in each fiscal year of the 76116  
biennium shall be for the use of Wright State University's Ellis 76117  
Institute for Clinical Teaching Studies to operate the clinical 76118  
facility to serve the Greater Dayton area. 76119

**Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS** 76120

Of the foregoing appropriation item 235-547, School of 76121  
International Business, \$250,000 in each fiscal year shall be used 76122  
for the continued development and support of the School of 76123  
International Business of the state universities of northeast 76124  
Ohio. The money shall go to The University of Akron. These funds 76125  
shall be used by the university to establish a School of 76126  
International Business located at The University of Akron. It may 76127  
confer with Kent State University, Youngstown State University, 76128  
and Cleveland State University as to the curriculum and other 76129  
matters regarding the school. 76130

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used to support the Ohio State University BioMEMS program.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in fiscal year 2009 shall be used to support the Supporting Education for the Returning Veterans (SERV) program at Cleveland State University.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in fiscal year 2009 shall be used to support the Veterans Upward Bound (VUB) program at Cuyahoga Community College.

**Section 375.50.90. CAPITAL COMPONENT**

The foregoing appropriation item 235-552, Capital Component, shall be used by the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service

attributable to qualifying capital projects is greater than the 76161  
campus's formula-determined capital component allocation shall 76162  
have the difference subtracted from its State Share of Instruction 76163  
allocation in each fiscal year. The sum of all such amounts shall 76164  
be transferred from appropriation item 235-501, State Share of 76165  
Instruction, to appropriation item 235-552, Capital Component. 76166

**Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE 76167**

The foregoing appropriation item 235-553, Dayton Area 76168  
Graduate Studies Institute, shall be used by the Board of Regents 76169  
to support the Dayton Area Graduate Studies Institute, an 76170  
engineering graduate consortium of three universities in the 76171  
Dayton area: Wright State University, the University of Dayton, 76172  
and the Air Force Institute of Technology, with the participation 76173  
of the University of Cincinnati and The Ohio State University. 76174

Of the foregoing appropriation item 235-553, Dayton Area 76175  
Graduate Studies Institute, \$350,000 in each fiscal year shall be 76176  
used by the Development Research Corporation to support 76177  
collaborative research and technology commercialization 76178  
initiatives in Ohio. 76179

**Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE 76180**  
**EDUCATION 76181**

The foregoing appropriation item 235-554, Priorities in 76182  
Collaborative Graduate Education, shall be used to support 76183  
improvements in graduate fields of study at state-assisted 76184  
universities identified by the Board of Regents, in consultation 76185  
with the Department of Development and the Department of Job and 76186  
Family Services, as vital to the state's economic strategy or 76187  
related to an area of workforce shortage. Each fiscal year, 76188  
participating institutions shall collectively submit for Board of 76189  
Regents approval a plan describing how they will work 76190

collaboratively to improve the quality of their graduate programs 76191  
and how the funds are to be used for this purpose. The 76192  
collaborative effort for Ph.D. computer science programs shall be 76193  
coordinated by the Ohio Supercomputer Center as part of its School 76194  
of Computational Science. 76195

**Section 375.60.30. LIBRARY DEPOSITORIES** 76196

The foregoing appropriation item, 235-555, Library 76197  
Depositories, shall be distributed to the state's five regional 76198  
depository libraries for the cost-effective storage of and access 76199  
to lesser-used materials in university library collections. The 76200  
distribution of funds shall be coordinated by the Board of 76201  
Regents. 76202

**Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 76203

The foregoing appropriation item 235-556, Ohio Academic 76204  
Resources Network, shall be used to support the operations of the 76205  
Ohio Academic Resources Network, which shall include support for 76206  
Ohio's state-assisted colleges and universities in maintaining and 76207  
enhancing network connections and in using new network 76208  
technologies to improve research, education, and economic 76209  
development programs. The network shall give priority to 76210  
supporting the Third Frontier Network and allocating bandwidth to 76211  
programs directly supporting Ohio's economic development. 76212

**Section 375.60.50. LONG-TERM CARE RESEARCH** 76213

Of the foregoing appropriation item 235-558, Long-term Care 76214  
Research, \$211,047 in each fiscal year shall be disbursed to Miami 76215  
University for long-term care research. 76216

Of the foregoing appropriation item 235-558, Long-term Care 76217  
Research, \$100,000 in each fiscal year shall be disbursed to the 76218  
University of Cincinnati to support Alzheimer's and dementia 76219

research pursuant to an affiliation agreement with the Alois Alzheimer Center. 76220  
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Of the foregoing appropriation item 235-558, Long-term Care Research, \$50,000 in each fiscal year shall be used to support People Working Cooperatively, Inc. 76222  
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76224

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER** 76225  
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The foregoing appropriation item 235-561, Bowling Green State University Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada. 76227  
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**Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN** 76232

The foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be used by the Board of Regents to begin to award needs-based financial aid to students based on the United States Department of Education's method of determining financial need. Students who enrolled in a public, private, or proprietary post-secondary institution of higher education for the first time in academic year 2006-2007, excluding early college high school and post-secondary enrollment option participants, shall be eligible to receive aid based on their expected family contributions as calculated by the United States Department of Education, according to section 3333.122 of the Revised Code. 76233  
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Eligible expenditures from the foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Chancellor of the Board of Regents and the Director of Job and Family Services shall enter into an interagency agreement to carry out this paragraph, which shall 76244  
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include, but not be limited to, developing reporting guidelines 76250  
for these expenditures. 76251

**Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE 76252**

The foregoing appropriation 235-567, Central State University 76253  
Speed to Scale, shall be used to achieve the goals of the Speed to 76254  
Scale Plan, which include increasing student enrollment through 76255  
freshman recruitment and transferred students, increasing the 76256  
proportion of in-state students to 80 per cent of the total 76257  
student population, and increasing the student retention rates 76258  
between the first and second year of college by two per cent each 76259  
year. The goals shall be accomplished by targeting student 76260  
retention, improved articulation agreements with two-year 76261  
campuses, increased use of alternative course options, including 76262  
online coursework and Ohio Learning Network resources, College 76263  
Tech Prep, Post Secondary Enrollment Options, and other 76264  
dual-credit programs, and strategic partnerships with research 76265  
institutions to improve the quality of Central State University's 76266  
offering of science, technology, engineering, mathematics, and 76267  
medical instruction. In fiscal year 2009, the disbursement of 76268  
these funds shall be contingent upon Central State University 76269  
meeting the annual goals for the student enrollment and 76270  
first-to-second-year retention rate increases. 76271

There is hereby created the Speed to Scale Task Force that 76272  
shall meet not less than quarterly to discuss progress of the 76273  
plan, including performance on accountability metrics, issues 76274  
experienced in planned efforts, and to monitor and support the 76275  
creation of partnerships with other state institutions of higher 76276  
education. The Task Force shall consist of the president of 76277  
Central State University or the president's designee, the 76278  
president of Sinclair Community College or the president's 76279  
designee, the president of Cincinnati State Technical and 76280



Community College or the president's designee, the president of 76281  
Cuyahoga Community College or the president's designee, The Ohio 76282  
State University or the president's designee, the president of the 76283  
University of Cincinnati or the president's designee, one 76284  
representative from the Board of Regents, one member of the House 76285  
of Representatives appointed by the Speaker of the House of 76286  
Representatives, one member of the Senate appointed by the 76287  
President of the Senate, the Director of Budget and Management or 76288  
the director's designee, and a representative of the Governor's 76289  
Office as appointed by the Governor. 76290

On the thirtieth day of June of each fiscal year, Central 76291  
State University and the Speed to Scale Task Force shall jointly 76292  
submit to the Governor, the Director of Budget and Management, the 76293  
Speaker of the House of Representatives, the President of the 76294  
Senate, and the Board of Regents a report describing the status of 76295  
their progress on the accountability metrics included in the Speed 76296  
to Scale plan. 76297

**Section 375.60.95. JAMES A. RHODES SCHOLARSHIP** 76298

The foregoing appropriation item 235-571, James A. Rhodes 76299  
Scholarship, shall be used to match the funds raised by the James 76300  
A. Rhodes Leadership Foundation. Upon receiving certification that 76301  
the Foundation has raised at least \$10,000,000 from nonstate 76302  
resources, the Board of Regents shall disburse the foregoing 76303  
appropriation to the Foundation. 76304

**Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT** 76305

The foregoing appropriation item 235-572, The Ohio State 76306  
University Clinic Support, shall be distributed through the Board 76307  
of Regents to The Ohio State University for support of dental and 76308  
veterinary medicine clinics. 76309

**Section 375.70.15.** OHIO HUMANITIES COUNCIL 76310

The foregoing appropriation item 235-573, Ohio Humanities 76311  
Council, shall be used to support humanities research, education, 76312  
teacher development, and outreach activities through the Ohio 76313  
Humanities Council. 76314

**Section 375.70.20.** URBAN UNIVERSITY PROGRAM 76315

Universities receiving funds from the foregoing appropriation 76316  
item 235-583, Urban University Program, that are used to support 76317  
an ongoing university unit shall certify periodically in a manner 76318  
approved by the Board of Regents that program funds are being 76319  
matched on a one-to-one basis with equivalent resources. Overhead 76320  
support may not be used to meet this requirement. Where Urban 76321  
University Program funds are being used to support an ongoing 76322  
university unit, matching funds shall come from continuing rather 76323  
than one-time sources. At each participating state-assisted 76324  
institution of higher education, matching funds shall be within 76325  
the substantial control of the individual designated by the 76326  
institution's president as the Urban University Program 76327  
representative. 76328

Of the foregoing appropriation item 235-583, Urban University 76329  
Program, \$117,215 in each fiscal year shall be used to support the 76330  
Center for the Interdisciplinary Study of Education and the Urban 76331  
Child at Cleveland State University. These funds shall be 76332  
distributed according to rules adopted by the Board of Regents and 76333  
shall be used by the center for interdisciplinary activities 76334  
targeted toward increasing the chance of lifetime success of the 76335  
urban child, including interventions beginning with the prenatal 76336  
period. The primary purpose of the center is to study issues in 76337  
urban education and to systematically map directions for new 76338  
approaches and new solutions by bringing together a cadre of 76339

researchers, scholars, and professionals representing the social, 76340  
behavioral, education, and health disciplines. 76341

Of the foregoing appropriation item 235-583, Urban University 76342  
Program, \$1,433,037 in each fiscal year shall be distributed by 76343  
the Board of Regents to Cleveland State University in support of 76344  
the Maxine Goodman Levin College of Urban Affairs. 76345

Of the foregoing appropriation item 235-583, Urban University 76346  
Program, \$1,433,037 in each fiscal year shall be distributed to 76347  
the Northeast Ohio Research Consortium, the Urban Linkages 76348  
Program, and the Urban Research Technical Assistance Grant 76349  
Program. The distribution among the three programs shall be 76350  
determined by the chair of the Urban University Program. 76351

Of the foregoing appropriation item 235-583, Urban University 76352  
Program, \$247,453 in each fiscal year shall be used to support a 76353  
public communication outreach program (WCPN). The primary purpose 76354  
of the program shall be to develop a relationship between 76355  
Cleveland State University and nonprofit communications entities. 76356

Of the foregoing appropriation item 235-583, Urban University 76357  
Program, \$169,310 in each fiscal year shall be used to support the 76358  
Kent State University Learning and Technology Project. This 76359  
project is a kindergarten through university collaboration between 76360  
schools surrounding Kent State University's eight campuses in 76361  
northeast Ohio and corporate partners who will assist in 76362  
development and delivery. 76363

The Kent State University Project shall provide a faculty 76364  
member who has a full-time role in the development of 76365  
collaborative activities and teacher instructional programming 76366  
between Kent State University and the K-12th grade schools that 76367  
surround its eight campuses; appropriate student support staff to 76368  
facilitate these programs and joint activities; and hardware and 76369  
software to schools that will make possible the delivery of 76370

instruction to pre-service and in-service teachers, and their students, in their own classrooms or school buildings. This shall involve the delivery of low-bandwidth streaming video and web-based technologies in a distributed instructional model.

Of the foregoing appropriation item 235-583, Urban University Program, \$65,119 in each fiscal year shall be used to support the Ameritech Classroom/Center for Research at Kent State University.

Of the foregoing appropriation item 235-583, Urban University Program, \$723,547 in each fiscal year shall be used to support the Polymer Distance Learning Project at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Program, \$32,560 in each fiscal year shall be distributed to the Kent State University/Cleveland Design Center program.

Of the foregoing appropriation item 235-583, Urban University Program, \$513,886 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Program, \$10,851 in each fiscal year shall be used for the Advancing-Up Program at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Program, \$139,777 in each fiscal year shall be used to support the Strategic Economic Research Collaborative at the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235-583, Urban University Program, \$164,777 in each fiscal year shall be used to support the Institute for Collaborative Research and Public Humanities at The Ohio State University.

Of the foregoing appropriation item 235-583, Urban University Program, \$425,368 in each fiscal year shall be used to support the Medina County University Center.

Of the foregoing appropriation item 235-583, Urban University 76401  
Program, \$150,000 in each fiscal year shall be used to support the 76402  
Ohio State University African American and African Studies 76403  
Community Extension Center. 76404

Of the foregoing appropriation item 235-583, Urban University 76405  
Program, \$200,000 in each fiscal year shall be used to support the 76406  
Cleveland Institute of Art. 76407

**Section 375.70.30. RURAL UNIVERSITY PROJECTS** 76408

Of the foregoing appropriation item 235-587, Rural University 76409  
Projects, Bowling Green State University shall receive \$263,783 in 76410  
each fiscal year, Miami University shall receive \$245,320 in each 76411  
fiscal year, and Ohio University shall receive \$575,015 in each 76412  
fiscal year. These funds shall be used to support the Institute 76413  
for Local Government Administration and Rural Development at Ohio 76414  
University, the Center for Public Management and Regional Affairs 76415  
at Miami University, and the Center for Regional Development at 76416  
Bowling Green State University. 76417

A small portion of the funds provided to Ohio University 76418  
shall also be used for the Institute for Local Government 76419  
Administration and Rural Development State and Rural Policy 76420  
Partnership with the Governor's Office of Appalachia and the 76421  
Appalachian delegation of the General Assembly. 76422

Of the foregoing appropriation item 235-587, Rural University 76423  
Projects, \$15,942 in each fiscal year shall be used to support the 76424  
Washington State Community College day care center. 76425

Of the foregoing appropriation item 235-587, Rural University 76426  
Projects, \$59,829 in each fiscal year shall be used to support the 76427  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 76428

**Section 375.70.40. HAZARDOUS MATERIALS PROGRAM** 76429

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.

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.

**Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM**

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 Director of Budget and Management may transfer an amount up to the certified amount from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the Adjutant General, the Board of Regents shall seek Controlling Board approval to establish appropriations in item 235-623,

National Guard Scholarship Reserve Fund. The Board of Regents 76461  
shall disburse funds from appropriation item 235-623, National 76462  
Guard Scholarship Reserve Fund, at the direction of the Adjutant 76463  
General. 76464

**\*Section 375.70.60. PLEDGE OF FEES** 76465

Any new pledge of fees, or new agreement for adjustment of 76466  
fees, made in the biennium ending June 30, 2009, to secure bonds 76467  
or notes of a state-assisted institution of higher education for a 76468  
project for which bonds or notes were not outstanding on the 76469  
effective date of this section shall be effective only after 76470  
approval by the Board of Regents, unless approved in a previous 76471  
biennium. 76472

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 76473  
SERVICE** 76474

The foregoing appropriation item 235-909, Higher Education 76475  
General Obligation Debt Service, shall be used to pay all debt 76476  
service and related financing costs at the times they are required 76477  
to be made for obligations issued during the period from July 1, 76478  
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 76479  
Revised Code. 76480

**Section 375.70.80. SALES AND SERVICES** 76481

The Board of Regents is authorized to charge and accept 76482  
payment for the provision of goods and services. Such charges 76483  
shall be reasonably related to the cost of producing the goods and 76484  
services. No charges may be levied for goods or services that are 76485  
produced as part of the routine responsibilities or duties of the 76486  
Board. All revenues received by the Board of Regents shall be 76487  
deposited into Fund 456, and may be used by the Board of Regents 76488  
to pay for the costs of producing the goods and services. 76489

<b>Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY</b>	76490
COMMISSION SUPPORT	76491
The foregoing appropriation item 235-602, Higher Educational Facility Commission Administration, shall be used by the Board of Regents for operating expenses related to the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to \$50,000 cash in fiscal year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 to Fund 4E8.	76492 76493 76494 76495 76496 76497 76498 76499
<b>Section 375.80.10. PHYSICIAN LOAN REPAYMENT</b>	76500
The foregoing appropriation item 235-604, Physician Loan Repayment, shall be used in accordance with sections 3702.71 to 3702.81 of the Revised Code.	76501 76502 76503
<b>Section 375.80.20. NURSING LOAN PROGRAM</b>	76504
The foregoing appropriation item 235-606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$159,600 in fiscal year 2008 and \$167,580 in fiscal year 2009 may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.	76505 76506 76507 76508 76509 76510 76511
<b>Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS</b>	76512 76513
Notwithstanding any provision of law to the contrary, all repayments of Research Facility Investment Fund loans shall be made to the Bond Service Trust Fund. All Research Facility Investment Fund loan repayments made prior to the effective date	76514 76515 76516 76517



of this section shall be transferred by the Director of Budget and Management to the Bond Service Trust Fund within sixty days after the effective date of this section.

Campuses shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

**Section 375.80.40. VETERANS' PREFERENCES**

The Board of Regents shall work with the Governor's Office of Veterans' Affairs to develop specific veterans' preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

**Section 375.80.50. STATE NEED-BASED FINANCIAL AID RECONCILIATION**

By the first day of August in each fiscal year, or as soon thereafter as possible, the Ohio Board of Regents shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's need-based financial aid programs. The amounts certified are hereby appropriated to appropriation item 235-618, State Need-based Financial Aid Reconciliation, from revenues received in the State Need-based Financial Aid Reconciliation Fund (Fund 5Y5).

**Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL**

AID PROGRAMS 76547

In each fiscal year of the biennium, if the Chancellor of the Board of Regents determines that additional funds are needed to support the distribution of state need-based financial aid in accordance with sections 3333.12 and 3333.122 of the Revised Code, the Chancellor shall recommend the reallocation of unencumbered and unobligated appropriation balances of General Revenue Fund appropriation items in the Board of Regents to GRF appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant. If the Director of Budget and Management determines that such a reallocation is required, the Director may transfer those identified unencumbered and unobligated funds in the Board of Regents as necessary to GRF appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant. The amounts transferred to appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, are hereby appropriated. If those unencumbered and unobligated funds are not sufficient to support the distribution of state need-based financial aid in accordance with sections 3333.12 and 3333.122 of the Revised Code in each fiscal year, the Director of Budget and Management may increase the appropriation from the General Revenue Fund of appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, in each fiscal year. The combined increase to appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, authorized under this section shall not exceed \$5,000,000 in total for the purpose of need-based financial aid in each fiscal year of the biennium.

**Section 375.80.70. TWO PLUS TWO PROGRAMS AT CO-LOCATED** 76576  
CAMPUSES 76577

The General Assembly encourages co-located technical colleges 76578  
and university branches to cooperate in developing programs that 76579  
provide for a seamless articulation from a two-year associate 76580  
degree from a technical college to a baccalaureate degree from the 76581  
university branch with an additional two years of study. 76582

<b>Section 377.10. DRC DEPARTMENT OF REHABILITATION AND</b>				76583
CORRECTION				76584
General Revenue Fund				76585
GRF 501-321	Institutional	\$ 892,162,864	\$ 928,980,197	76586
	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	76587
GRF 501-405	Halfway House	\$ 41,214,205	\$ 41,214,205	76588
GRF 501-406	Lease Rental Payments	\$ 107,607,100	\$ 109,224,900	76589
GRF 501-407	Community	\$ 16,514,626	\$ 16,547,367	76590
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 9,313,076	\$ 9,313,076	76591
	Programs			
GRF 501-501	Community Residential	\$ 57,104,132	\$ 57,104,132	76592
	Programs - CBCF			
GRF 502-321	Mental Health Services	\$ 70,112,063	\$ 73,405,363	76593
GRF 503-321	Parole and Community	\$ 79,296,672	\$ 82,739,767	76594
	Operations			
GRF 504-321	Administrative	\$ 27,554,198	\$ 28,658,273	76595
	Operations			
GRF 505-321	Institution Medical	\$ 199,073,620	\$ 198,337,805	76596
	Services			
GRF 506-321	Institution Education	\$ 23,784,868	\$ 24,847,502	76597
	Services			
GRF 507-321	Institution Recovery	\$ 7,319,028	\$ 7,664,520	76598
	Services			
TOTAL GRF	General Revenue Fund	\$ 1,539,655,707	\$ 1,586,636,362	76599

General Services Fund Group				76600
148	501-602	Services and Agricultural	\$ 104,485,807 \$	108,290,058 76601
200	501-607	Ohio Penal Industries	\$ 39,395,391 \$	40,845,414 76602
4B0	501-601	Sewer Treatment Services	\$ 2,331,003 \$	2,407,018 76603
4D4	501-603	Prisoner Programs	\$ 20,967,703 \$	20,967,703 76604
4L4	501-604	Transitional Control	\$ 2,051,451 \$	2,051,451 76605
4S5	501-608	Education Services	\$ 4,564,072 \$	4,564,072 76606
483	501-605	Property Receipts	\$ 393,491 \$	393,491 76607
5AF	501-609	State and Non-Federal Awards	\$ 262,718 \$	262,718 76608
5H8	501-617	Offender Financial Responsibility	\$ 2,500,000 \$	2,500,000 76609
5L6	501-611	Information Technology Services	\$ 3,741,980 \$	3,741,980 76610
571	501-606	Training Academy Receipts	\$ 75,190 \$	75,190 76611
593	501-618	Laboratory Services	\$ 5,799,999 \$	5,799,999 76612
TOTAL GSF General Services Fund Group				\$ 186,568,805 \$ 191,899,094 76613
Federal Special Revenue Fund Group				76614
3S1	501-615	Truth-In-Sentencing Grants	\$ 8,709,142 \$	8,709,142 76615
323	501-619	Federal Grants	\$ 12,198,353 \$	12,198,353 76616
3CJ	501-621	Medicaid Inpatient Services	\$ 11,600,000 \$	15,500,000 76617
TOTAL FED Federal Special Revenue Fund Group				\$ 32,507,495 \$ 36,407,495 76618 76619
TOTAL ALL BUDGET FUND GROUPS				\$ 1,758,732,007 \$ 1,814,942,951 76620
OHIO BUILDING AUTHORITY LEASE PAYMENTS				76621
The foregoing appropriation item 501-406, Lease Rental				76622

Payments, shall be used to meet all payments during the period 76623  
from July 1, 2007, to June 30, 2009, under the primary leases and 76624  
agreements for those buildings made under Chapter 152. of the 76625  
Revised Code. These appropriations are the source of funds pledged 76626  
for bond service charges or obligations issued pursuant to Chapter 76627  
152. of the Revised Code. 76628

PRISONER COMPENSATION 76629

Money from the foregoing appropriation item 501-403, Prisoner 76630  
Compensation, shall be transferred on a quarterly basis by 76631  
intrastate transfer voucher to the Services and Agricultural Fund 76632  
(Fund 148) for the purposes of paying prisoner compensation. 76633

HIV/AIDS TESTING REENTRY PILOT PROGRAM 76634

Of the foregoing appropriation item 505-321, Institution 76635  
Medical Services, up to \$250,000 in each fiscal year shall be used 76636  
for the HIV/AIDS testing re-entry pilot program at the Mansfield 76637  
Correctional Institution. Prior to a prisoner's release from 76638  
custody at the Mansfield Correctional Institution under the 76639  
control of the Department of Rehabilitation and Correction, the 76640  
department shall examine and test a prisoner for HIV infection and 76641  
any sexually transmitted disease. The department may examine and 76642  
test involuntarily a prisoner who refuses to be tested. 76643

**Section 377.20.** LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE 76644

(A) There is hereby created the Lima Correctional Institution 76645  
Study Committee, effective July 1, 2007. The Committee shall 76646  
consist of the following nine members: 76647

(1) The Director of Rehabilitation and Correction or the 76648  
Director's designee; 76649

(2) The eight members of the Correctional Institution 76650  
Inspection Committee. 76651

(B) The Director of Rehabilitation and Correction shall be 76652

the chairperson of the Lima Correctional Institution Study Committee. 76653  
76654

(C) The Lima Correctional Institution Study Committee shall 76655  
procure an independent feasibility study, performed by a 76656  
consultant, through the Department of Rehabilitation and 76657  
Correction. The study shall examine the highest and best use for 76658  
the Lima Correctional Institution and shall examine, at a minimum, 76659  
all of the following: 76660

(1) State and local correctional needs and the utilization of 76661  
state and local facilities to service those needs; 76662

(2) The current condition and value of the Lima Correctional 76663  
Institution; 76664

(3) The cost to reopen the Lima Correctional Institution in 76665  
part or in whole for a correctional purpose; 76666

(4) Alternative uses for the Lima Correctional Institution; 76667

(5) The funding options to utilize the Lima Correctional 76668  
Institution; 76669

(6) The economic impact of the Lima Correctional Institution 76670  
on the Lima region and the potential non-prison economic 76671  
development opportunities for a closed prison facility. 76672

(D) The Lima Correctional Institution Study Committee and the 76673  
consultant selected shall utilize the staff of the Department of 76674  
Rehabilitation and Correction for research and other support 76675  
functions as much as feasible. 76676

(E) Of the foregoing appropriation item 501-321, 76677  
Institutional Operations, \$50,000 in fiscal year 2008 shall be 76678  
used to fund the feasibility study. 76679

(F) The Lima Correctional Institution Study Committee shall 76680  
submit a report of the Committee's findings not later than April 76681  
1, 2008, to the Governor, the President of the Senate, and the 76682

Speaker of the House of Representatives. The Committee shall cease 76683  
 to exist after submitting the report. 76684

**Section 379.10.** RSC REHABILITATION SERVICES COMMISSION 76685

General Revenue Fund 76686

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 76687

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 76688

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 76689

GRF 415-431 Office for People with \$ 226,012 \$ 226,012 76690

Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 76691

with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 76692

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 76693

General Services Fund Group 76694

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 76695

Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 76696

Operating Expenses

TOTAL GSF General Services 76697

Fund Group \$ 19,755,270 \$ 20,189,122 76698

Federal Special Revenue Fund Group 76699

3L1 415-601 Social Security \$ 3,743,740 \$ 3,743,740 76700

Personal Care

Assistance

3L1 415-605 Social Security \$ 750,000 \$ 750,000 76701

Community Centers for  
 the Deaf

3L1 415-608 Social Security \$ 1,506,260 \$ 1,506,260 76702

Vocational

Rehabilitation

3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	76703
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	76704
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	76705
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	76706
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	76707
TOTAL FED Federal Special							76708
Revenue Fund Group			\$	214,316,854	\$	220,120,651	76709
State Special Revenue Fund Group							76710
4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	76711
468	415-618	Third Party Funding	\$	906,910	\$	906,910	76712
TOTAL SSR State Special							76713
Revenue Fund Group			\$	4,672,247	\$	5,406,910	76714
TOTAL ALL BUDGET FUND GROUPS			\$	265,328,923	\$	272,601,235	76715
INDEPENDENT LIVING COUNCIL							76716
The foregoing appropriation item 415-402, Independent Living							76717
Council, shall be used to fund the operations of the State							76718
Independent Living Council and shall be used to support state							76719
independent living centers and independent living services under							76720
Title VII of the Independent Living Services and Centers for							76721
Independent Living of the Rehabilitation Act Amendments of 1992,							76722
106 Stat. 4344, 29 U.S.C. 796d.							76723
OFFICE FOR PEOPLE WITH BRAIN INJURY							76724
Of the foregoing appropriation item 415-431, Office for							76725



People with Brain Injury, up to \$50,000 in each fiscal year shall 76726  
be used for the state match for a federal grant awarded through 76727  
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 76728  
\$50,000 in each fiscal year shall be provided to the Brain Injury 76729  
Trust Fund. The remaining appropriation shall be used to plan and 76730  
coordinate head-injury-related services provided by state agencies 76731  
and other government or private entities, to assess the needs for 76732  
such services, and to set priorities in this area. 76733

VOCATIONAL REHABILITATION SERVICES 76734

The foregoing appropriation item 415-506, Services for People 76735  
with Disabilities, shall be used as state matching funds to 76736  
provide vocational rehabilitation services to eligible consumers. 76737

PROGRAM MANAGEMENT EXPENSES 76738

The foregoing appropriation item 415-606, Program Management 76739  
Expenses, shall be used to support the administrative functions of 76740  
the commission related to the provision of vocational 76741  
rehabilitation, disability determination services, and ancillary 76742  
programs. 76743

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 76744

The foregoing appropriation item 415-617, Independent 76745  
Living/Vocational Rehabilitation Programs, shall be used to 76746  
support vocational rehabilitation programs. 76747

SOCIAL SECURITY REIMBURSEMENT FUNDS 76748

Reimbursement funds received from the Social Security 76749  
Administration, United States Department of Health and Human 76750  
Services, for the costs of providing services and training to 76751  
return disability recipients to gainful employment shall be used 76752  
in the Social Security Reimbursement Fund (Fund 3L1), to the 76753  
extent funds are available, as follows: 76754

(A) Appropriation item 415-601, Social Security Personal Care 76755

Assistance, to provide personal care services in accordance with 76756  
section 3304.41 of the Revised Code; 76757

(B) Appropriation item 415-608, Social Security Vocational 76758  
Rehabilitation, to provide vocational rehabilitation services to 76759  
individuals with severe disabilities who are Social Security 76760  
beneficiaries, to enable them to achieve competitive employment. 76761  
This appropriation item also includes funds to assist the Personal 76762  
Care Assistance Program to pay its share of indirect costs as 76763  
mandated by federal OMB Circular A-87. 76764

PERFORMANCE AUDIT 76765

The Auditor of State shall complete a performance audit of 76766  
the Rehabilitation Services Commission. Upon completing the 76767  
performance audit, the Auditor of State shall submit a report of 76768  
the findings of the audit to the Governor, the President of the 76769  
Senate, the Speaker of the House of Representatives, and the Board 76770  
of Rehabilitation Services Commission. Expenses incurred by the 76771  
Auditor of State to conduct the performance audit shall be 76772  
reimbursed by the Rehabilitation Services Commission. 76773

INTERNAL REVIEW 76774

The Administrator of the Rehabilitation Services Commission 76775  
shall consult with the Director of Budget and Management and 76776  
representatives of local rehabilitation services agencies to 76777  
conduct an internal review of policies and procedures to increase 76778  
efficiency and identify and eliminate duplicative practices. Any 76779  
savings identified as a result of the internal review or the 76780  
performance audit conducted by the Auditor of State shall be used 76781  
for community-based care. 76782

The Administrator of the Rehabilitation Services Commission 76783  
shall seek Controlling Board approval before expending any funds 76784  
identified as a result of the internal review or the performance 76785  
audit. 76786

<b>Section 381.10. RCB RESPIRATORY CARE BOARD</b>			76787
General Services Fund Group			76788
4K9 872-609 Operating Expenses	\$	491,628 \$	481,768 76789
TOTAL GSF General Services			76790
Fund Group	\$	491,628 \$	481,768 76791
TOTAL ALL BUDGET FUND GROUPS			\$ 481,768 76792
 <b>Section 383.10. RDF REVENUE DISTRIBUTION FUNDS</b>			 76794
Volunteer Firefighters' Dependents Fund			76795
085 800-900 Volunteer	\$	300,000 \$	300,000 76796
Firefighters'			
Dependents Fund			
TOTAL 085 Volunteer Firefighters'			76797
Dependents Fund	\$	300,000 \$	300,000 76798
Agency Fund Group			76799
062 110-962 Resort Area Excise Tax	\$	1,000,000 \$	1,000,000 76800
063 110-963 Permissive Tax	\$	1,778,662,000 \$	1,849,000,000 76801
Distribution			
067 110-967 School District Income	\$	325,000,000 \$	350,000,000 76802
Tax			
4P8 001-698 Cash Management	\$	3,050,000 \$	3,100,000 76803
Improvement Fund			
608 001-699 Investment Earnings	\$	250,000,000 \$	250,000,000 76804
TOTAL AGY Agency Fund Group			\$ 2,453,100,000 76805
Holding Account Redistribution			76806
R45 110-617 International Fuel Tax	\$	50,000,000 \$	50,000,000 76807
Distribution			
TOTAL 090 Holding Account	\$	50,000,000 \$	50,000,000 76808
Redistribution Fund			
Revenue Distribution Fund Group			76809
049 038-900 Indigent Drivers	\$	1,797,000 \$	1,832,000 76810

		Alcohol Treatment				
050	762-900	International	\$	54,475,631	\$	55,565,143 76811
		Registration Plan				
		Distribution				
051	762-901	Auto Registration	\$	500,000,000	\$	539,000,000 76812
		Distribution				
054	110-954	Local Government	\$	93,250,000	\$	95,125,000 76813
		Property Tax				
		Replacement - Utility				
060	110-960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000 76814
		Fund				
064	110-964	Local Government	\$	42,400,000	\$	0 76815
		Revenue Assistance				
065	110-965	Library/Local	\$	460,000,000	\$	464,500,000 76816
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,500,000 76817
		Permits				
068	110-968	State and Local	\$	240,250,000	\$	242,500,000 76818
		Government Highway				
		Distribution				
069	110-969	Local Government Fund	\$	730,700,000	\$	785,000,000 76819
081	110-981	Local Government	\$	262,500,000	\$	366,800,000 76820
		Property Tax				
		Replacement-Business				
082	110-982	Horse Racing Tax	\$	125,000	\$	130,000 76821
083	700-900	Ohio Fairs Fund	\$	2,277,000	\$	2,325,000 76822
		TOTAL RDF Revenue Distribution				76823
		Fund Group	\$	2,776,274,631	\$	2,941,277,143 76824
		TOTAL ALL BUDGET FUND GROUPS	\$	5,184,286,631	\$	5,444,677,143 76825
		ADDITIONAL APPROPRIATIONS				76826
		Appropriation items in this section shall be used for the				76827
		purpose of administering and distributing the designated revenue				76828

distribution funds according to the Revised Code. If it is 76829  
determined that additional appropriations are necessary for this 76830  
purpose, such amounts are appropriated. 76831

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY 76832  
TAX REPLACEMENT - BUSINESS (FUND 081) 76833

Notwithstanding any provision of law to the contrary, in 76834  
fiscal year 2008 and fiscal year 2009, the Director of Budget and 76835  
Management may transfer from the General Revenue Fund to the Local 76836  
Government Property Tax Replacement - Business (Fund 081) in the 76837  
Revenue Distribution Fund, those amounts necessary to reimburse 76838  
local taxing units under section 5751.22 of the Revised Code. 76839  
Also, in fiscal year 2008 and fiscal year 2009, the Director of 76840  
Budget and Management may make temporary transfers from the 76841  
General Revenue Fund to ensure sufficient balances in the Local 76842  
Government Property Tax Replacement - Business Fund (Fund 081) and 76843  
to replenish the General Revenue Fund for such transfers. 76844

**Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION** 76845

General Services Fund Group				76846
4K9 893-609 Operating Expenses	\$	138,551	\$ 138,551	76847
TOTAL GSF General Services				76848
Fund Group	\$	138,551	\$ 138,551	76849
TOTAL ALL BUDGET FUND GROUPS	\$	138,551	\$ 138,551	76850

**Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND** 76852

General Revenue Fund				76853
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	76854
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	76855
GRF 226-300 Equipment	\$	113,288	\$ 113,288	76856
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	76857
General Services Fund Group				76858

4H8 226-602	School Improvement	\$	37,514	\$	37,514	76859
	Grants					
TOTAL GSF	General Services					76860
Fund Group		\$	37,514	\$	37,514	76861
Federal Special Revenue	Fund Group					76862
3P5 226-643	Medicaid Services	\$	50,000	\$	50,000	76863
	Reimbursement					
310 226-626	Multi-Handicapped	\$	2,527,105	\$	2,527,105	76864
	Student Support					
TOTAL FED	Federal Special					76865
Revenue Fund Group		\$	2,577,105	\$	2,577,105	76866
State Special Revenue	Fund Group					76867
4M5 226-601	Work Study and	\$	217,397	\$	217,397	76868
	Donations					
TOTAL SSR	State Special Revenue					76869
Fund Group		\$	217,397	\$	217,397	76870
TOTAL ALL BUDGET	FUND GROUPS	\$	10,742,585	\$	11,168,776	76871
<b>Section 389.10. OSD OHIO SCHOOL FOR THE DEAF</b>						76873
General Revenue Fund						76874
GRF 221-100	Personal Services	\$	8,775,363	\$	9,263,862	76875
GRF 221-200	Maintenance	\$	1,033,092	\$	1,033,092	76876
GRF 221-300	Equipment	\$	222,500	\$	222,500	76877
TOTAL GRF	General Revenue Fund	\$	10,030,955	\$	10,519,454	76878
General Services Fund Group						76879
4M1 221-602	School Improvement	\$	38,000	\$	38,000	76880
	Grants					
TOTAL GSF	General Services					76881
Fund Group		\$	38,000	\$	38,000	76882
Federal Special Revenue	Fund Group					76883
3AD 221-604	VREAL Ohio	\$	25,000	\$	25,000	76884

3R0	221-684	Medicaid Services	\$	34,999	\$	34,999	76885
		Reimbursement					76886
3Y1	221-686	Federal Early	\$	250,000	\$	250,000	76887
		Childhood Grant					
311	221-625	Statewide Outreach	\$	2,470,135	\$	2,470,135	76888
TOTAL FED		Federal Special					76889
Revenue Fund Group			\$	2,780,134	\$	2,780,134	76890
State Special Revenue Fund Group							76891
4M0	221-601	Work Study and	\$	95,000	\$	95,000	76892
		Donations					
5H6	221-609	Preschool Program	\$	127,832	\$	125,358	76893
		Support					
TOTAL SSR		State Special Revenue					76894
Fund Group			\$	222,832	\$	220,358	76895
TOTAL ALL BUDGET FUND GROUPS			\$	13,071,921	\$	13,557,946	76896

**Section 391.10. SFC SCHOOL FACILITIES COMMISSION** 76898

General Revenue Fund							76899
GRF	230-428	Lease Rental Payments	\$	22,702,000	\$	0	76900
GRF	230-908	Common Schools General	\$	284,768,400	\$	339,648,300	76901
		Obligation Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	307,470,400	\$	339,648,300	76902
State Special Revenue Fund Group							76903
5E3	230-644	Operating Expenses	\$	7,749,813	\$	7,786,197	76904
TOTAL SSR		State Special Revenue					76905
Fund Group			\$	7,749,813	\$	7,786,197	76906
TOTAL ALL BUDGET FUND GROUPS			\$	315,220,213	\$	347,434,497	76907

**Section 391.20. LEASE RENTAL PAYMENTS** 76909

The foregoing appropriation item 230-428, Lease Rental 76910  
 Payments, shall be used to meet all payments at the times they are 76911

required to be made during the period from July 1, 2007, to June 30, 2009, by the Ohio School Facilities Commission under leases and agreements made under section 3318.26 of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 230-908, Common Schools General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made for obligations issued during the period from July 1, 2007, through June 30, 2009, under sections 151.01 and 151.03 of the Revised Code.

OPERATING EXPENSES

The foregoing appropriation item 230-644, Operating Expenses, shall be used by the Ohio School Facilities Commission to carry out its responsibilities under this section and Chapter 3318. of the Revised Code.

In both fiscal years 2008 and 2009, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 032), the Public School Building Fund (Fund 021), and the Educational Facilities Trust Fund (Fund N87) to the Ohio School Facilities Commission Fund (Fund 5E3). The amount transferred from the School Building Assistance Fund (Fund 032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval



under section 3318.05 of the Revised Code. The Executive Director 76943  
of the Ohio School Facilities Commission shall certify the amounts 76944  
of the canceled encumbrances to the Director of Budget and 76945  
Management on a quarterly basis. The amounts of the canceled 76946  
encumbrances are hereby appropriated. 76947

**Section 391.30. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 76948**  
FACILITIES 76949

Notwithstanding any other provision of law to the contrary, 76950  
the Ohio School Facilities Commission may provide assistance under 76951  
the Exceptional Needs School Facilities Program established in 76952  
section 3318.37 of the Revised Code to any school district, and 76953  
not exclusively to a school district in the lowest seventy-five 76954  
per cent of adjusted valuation per pupil on the current ranking of 76955  
school districts established under section 3317.02 of the Revised 76956  
Code, for the purpose of the relocation or replacement of school 76957  
facilities required as a result of extreme environmental 76958  
contamination. 76959

The Ohio School Facilities Commission shall contract with an 76960  
independent environmental consultant to conduct a study and to 76961  
report to the commission as to the seriousness of the 76962  
environmental contamination, whether the contamination violates 76963  
applicable state and federal standards, and whether the facilities 76964  
are no longer suitable for use as school facilities. The 76965  
commission then shall make a determination regarding funding for 76966  
the relocation or replacement of the school facilities. If the 76967  
federal government or other public or private entity provides 76968  
funds for restitution of costs incurred by the state or school 76969  
district in the relocation or replacement of the school 76970  
facilities, the school district shall use such funds in excess of 76971  
the school district's share to refund the state for the state's 76972  
contribution to the environmental contamination portion of the 76973

project. The school district may apply an amount of such 76974  
restitution funds up to an amount equal to the school district's 76975  
portion of the project, as defined by the commission, toward 76976  
paying its portion of that project to reduce the amount of bonds 76977  
the school district otherwise must issue to receive state 76978  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 76979

**Section 391.40.** CANTON CITY SCHOOL DISTRICT PROJECT 76980

(A) The Ohio School Facilities Commission may commit up to 76981  
thirty-five million dollars to the Canton City School District for 76982  
construction of a facility described in this section, in lieu of a 76983  
high school that would otherwise be authorized under Chapter 3318. 76984  
of the Revised Code. The Commission shall not commit funds under 76985  
this section unless all of the following conditions are met: 76986

(1) The District has entered into a cooperative agreement 76987  
with a state-assisted technical college. 76988

(2) The District has received an irrevocable commitment of 76989  
additional funding from nonpublic sources. 76990

(3) The facility is intended to serve both secondary and 76991  
postsecondary instructional purposes. 76992

(B) The Commission shall enter into an agreement with the 76993  
District for the construction of the facility authorized under 76994  
this section that is separate from and in addition to the 76995  
agreement required for the District's participation in the 76996  
Classroom Facilities Assistance Program under section 3318.08 of 76997  
the Revised Code. Notwithstanding that section and sections 76998  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 76999  
agreement shall provide, but not be limited to, the following: 77000

(1) The Commission shall not have any oversight 77001  
responsibilities over the construction of the facility. 77002

(2) The facility need not comply with the specifications for 77003

plans and materials for high schools adopted by the Commission. 77004

(3) The Commission may decrease the basic project cost that 77005  
would otherwise be calculated for a high school under Chapter 77006  
3318. of the Revised Code. 77007

(4) The state shall not share in any increases in the basic 77008  
project cost for the facility above the amount authorized under 77009  
this section. 77010

All other provisions of Chapter 3318. of the Revised Code 77011  
apply to the approval and construction of a facility authorized 77012  
under this section. 77013

The state funds committed to the facility authorized by this 77014  
section shall be part of the total amount the state commits to the 77015  
Canton City School District under Chapter 3318. of the Revised 77016  
Code. All additional state funds committed to the Canton City 77017  
School District for classroom facilities assistance shall be 77018  
subject to all provisions of Chapter 3318. of the Revised Code. 77019

**Section 391.50. CAREER-TECHNICAL LOAN PROGRAM** 77020

Within thirty days after the effective date of this section, 77021  
or as soon as possible thereafter, the Executive Director of the 77022  
Ohio School Facilities Commission shall certify the cash balance 77023  
in the Career-Technical School Building Assistance Fund (Fund 020) 77024  
to the Director of Budget and Management, who shall transfer that 77025  
amount to the Public School Building Fund (Fund 021) and abolish 77026  
the Career-Technical School Building Assistance Fund (Fund 020). 77027

All repayments of current loans approved under section 77028  
3318.48 of the Revised Code, which is repealed by this act, shall 77029  
be deposited to the credit of the Public School Building Fund 77030  
(Fund 021). Should a district fail to submit the annual 77031  
installment of the loan repayment within sixty days after the due 77032  
date, the Department of Education, upon the request of the 77033

Executive Director of the Ohio School Facilities Commission, shall 77034  
deduct the amount of the installment from payments due to a 77035  
district under Chapter 3317. of the Revised Code or from any other 77036  
funds appropriated to the district by the General Assembly, and 77037  
shall transfer that amount to the Commission to the credit of the 77038  
Public School Building Fund (Fund 021). 77039

**Section 393.10. SOS SECRETARY OF STATE** 77040

General Revenue Fund 77041

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	77042
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	77043
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	77044
GRF 050-409 Litigation	\$	4,652	\$	4,652	77045

Expenditures

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	77046
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General Services Fund Group 77047

4S8 050-610 Board of Voting	\$	7,200	\$	7,200	77048
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Machine Examiners

412 050-609 Notary Commission	\$	685,249	\$	685,249	77049
413 050-601 Information Systems	\$	119,955	\$	119,955	77050
414 050-602 Citizen Education Fund	\$	55,712	\$	55,712	77051
TOTAL General Services Fund Group	\$	868,116	\$	868,116	77052

Federal Special Revenue Fund Group 77053

3AH 050-614 Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	77054
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3AS 050-616 2005 HAVA Voting Machines	\$	4,750,000	\$	2,750,000	77055
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3X4 050-612 Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	77056
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TOTAL FED Federal Special Revenue					77057
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Fund Group	\$	5,791,000	\$	3,791,000	77058
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State Special Revenue Fund Group				77059
5N9 050-607 Technology	\$	129,565	\$ 129,565	77060
Improvements				
599 050-603 Business Services	\$	13,761,734	\$ 13,761,734	77061
Operating Expenses				
TOTAL SSR State Special Revenue				77062
Fund Group	\$	13,891,299	\$ 13,891,299	77063
Holding Account Redistribution Fund Group				77064
R01 050-605 Uniform Commercial	\$	30,000	\$ 30,000	77065
Code Refunds				
R02 050-606 Corporate/Business	\$	85,000	\$ 85,000	77066
Filing Refunds				
TOTAL 090 Holding Account				77067
Redistribution Fund Group	\$	115,000	\$ 115,000	77068
TOTAL ALL BUDGET FUND GROUPS	\$	23,637,000	\$ 23,637,000	77069
BOARD OF VOTING MACHINE EXAMINERS				77070
The foregoing appropriation item 050-610, Board of Voting				77071
Machine Examiners, shall be used to pay for the services and				77072
expenses of the members of the Board of Voting Machine Examiners,				77073
and for other expenses that are authorized to be paid from the				77074
Board of Voting Machine Examiners Fund, which is created in				77075
section 3506.05 of the Revised Code. Moneys not used shall be				77076
returned to the person or entity submitting the equipment for				77077
examination. If it is determined that additional appropriations				77078
are necessary, such amounts are appropriated.				77079
2005 HAVA VOTING MACHINES				77080
Of the foregoing appropriation item 050-616, 2005 HAVA Voting				77081
Machines, in fiscal year 2008 \$15,000 shall be distributed to the				77082
Vinton County Board of Elections and \$15,000 shall be distributed				77083
to the Morgan County Board of Elections to be used for emergency				77084
assistance for elections.				77085

On July 1, 2008, or as soon as possible thereafter, the 77086  
Director of Budget and Management shall transfer any remaining 77087  
unexpended, unencumbered appropriations in Fund 3AS, appropriation 77088  
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 77089  
2009. The transferred amount is hereby appropriated. 77090

On July 1, 2008, or as soon as possible thereafter, the 77091  
Director of Budget and Management shall transfer any remaining 77092  
unexpended, unencumbered appropriations in Fund 3AH, appropriation 77093  
item 050-614, Election Reform/Health and Human Services Fund, for 77094  
use in fiscal year 2009. The transferred amount is hereby 77095  
appropriated. 77096

Ongoing interest earnings from the federal Election 77097  
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 77098  
Voting Machines Fund (Fund 3AS) shall be credited to the 77099  
respective funds and distributed in accordance with the terms of 77100  
the grant under which the money is received. 77101

HOLDING ACCOUNT REDISTRIBUTION GROUP 77102

The foregoing appropriation items 050-605 and 050-606, 77103  
Holding Account Redistribution Fund Group, shall be used to hold 77104  
revenues until they are directed to the appropriate accounts or 77105  
until they are refunded. If it is determined that additional 77106  
appropriations are necessary, such amounts are appropriated. 77107

**Section 395.10.** SEN THE OHIO SENATE 77108

General Revenue Fund 77109

GRF 020-321 Operating Expenses	\$	11,778,439	\$	11,778,439	77110
TOTAL GRF General Revenue Fund	\$	11,778,439	\$	11,778,439	77111

General Services Fund Group 77112

102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	77113
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	77114
TOTAL GSF General Services					77115

Fund Group	\$	482,962	\$	482,962	77116
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	77117

OPERATING EXPENSES 77118

On July 1, 2007, or as soon as possible thereafter, the Clerk 77119  
of the Senate shall certify to the Director of Budget and 77120  
Management the total fiscal year 2007 unencumbered appropriations 77121  
in appropriation item 020-321, Operating Expenses. The Clerk may 77122  
direct the Director of Budget and Management to transfer an amount 77123  
not to exceed the total fiscal year 2007 unencumbered 77124  
appropriations to fiscal year 2008 for use within appropriation 77125  
item 020-321, Operating Expenses. Additional appropriation 77126  
authority equal to the amount certified by the Clerk is hereby 77127  
appropriated to appropriation item 020-321, Operating Expenses, in 77128  
fiscal year 2008. 77129

On July 1, 2008, or as soon as possible thereafter, the Clerk 77130  
of the Senate shall certify to the Director of Budget and 77131  
Management the total fiscal year 2008 unencumbered appropriations 77132  
in appropriation item 020-321, Operating Expenses. The Clerk may 77133  
direct the Director of Budget and Management to transfer an amount 77134  
not to exceed the total fiscal year 2008 unencumbered 77135  
appropriations to fiscal year 2009 for use within appropriation 77136  
item 020-321, Operating Expenses. Additional appropriation 77137  
authority equal to the amount certified by the Clerk is hereby 77138  
appropriated to appropriation item 020-321, Operating Expenses, in 77139  
fiscal year 2009. 77140

**Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND** 77141

Debt Service Fund Group					77142
070 155-905 Third Frontier	\$	14,349,500	\$	25,023,400	77143
Research & Development					
Bond Retirement Fund					
072 155-902 Highway Capital	\$	202,694,900	\$	205,139,500	77144

		Improvement Bond				
		Retirement Fund				
073	155-903	Natural Resources Bond	\$ 24,713,800	\$ 25,723,000		77145
		Retirement Fund				
074	155-904	Conservation Projects	\$ 14,847,200	\$ 19,779,200		77146
		Bond Service Fund				
076	155-906	Coal Research and	\$ 7,232,400	\$ 8,192,500		77147
		Development Bond				
		Retirement Fund				
077	155-907	State Capital	\$ 178,713,600	\$ 189,296,300		77148
		Improvement Bond				
		Retirement Fund				
078	155-908	Common Schools Bond	\$ 292,268,400	\$ 342,148,300		77149
		Retirement Fund				
079	155-909	Higher Education Bond	\$ 175,972,400	\$ 210,372,200		77150
		Retirement Fund				
090	155-912	Job Ready Site	\$ 4,359,400	\$ 8,232,500		77151
		Development Bond				
		Retirement Fund				
		TOTAL DSF Debt Service Fund Group	\$ 915,151,600	\$ 1,033,906,900		77152
		TOTAL ALL BUDGET FUND GROUPS	\$ 915,151,600	\$ 1,033,906,900		77153
		ADDITIONAL APPROPRIATIONS				77154
		Appropriation items in this section are for the purpose of				77155
		paying debt service and financing costs on bonds or notes of the				77156
		state issued under the Ohio Constitution and acts of the General				77157
		Assembly. If it is determined that additional appropriations are				77158
		necessary for this purpose, such amounts are hereby appropriated.				77159
		<b>Section 399.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				77160
		DEVELOPMENT FOUNDATION				77161
		General Revenue Fund				77162



GRF 945-321	Operating Expenses	\$	0	\$	475,220	77163
GRF 945-501	Southern Ohio	\$	0	\$	7,513,251	77164
	Agricultural and					
	Community Development					
	Foundation					
TOTAL GRF	General Revenue Fund	\$	0	\$	7,988,471	77165
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	7,988,471	77166

SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT 77167  
FOUNDATION 77168

The foregoing appropriation item 945-321, Operating Expenses, 77169  
shall be used for the operating expenses of the Southern Ohio 77170  
Agricultural and Community Development Foundation in administering 77171  
programs under section 183.15 of the Revised Code. 77172

The foregoing appropriation item 945-501, Southern Ohio 77173  
Agricultural and Community Development Foundation, shall be used 77174  
by the Southern Ohio Agricultural and Community Development 77175  
Foundation for programs administered under section 183.15 of the 77176  
Revised Code. 77177

**Section 401.10.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 77178  
AUDIOLOGY 77179

General Services Fund Group						77180
4K9 886-609	Operating Expenses	\$	430,600	\$	453,000	77181
TOTAL GSF	General Services					77182
Fund Group		\$	430,600	\$	453,000	77183
TOTAL ALL BUDGET FUND GROUPS		\$	430,600	\$	453,000	77184

**Section 403.10.** BTA BOARD OF TAX APPEALS 77186

General Revenue Fund						77187
GRF 116-321	Operating Expenses	\$	2,247,476	\$	2,281,188	77188
TOTAL GRF	General Revenue Fund	\$	2,247,476	\$	2,281,188	77189

TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$	2,281,188	77190
<b>Section 405.10. TAX DEPARTMENT OF TAXATION</b>					77192
General Revenue Fund					77193
GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	77194
GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	77195
Enforcement					
GRF 110-412 Child Support	\$	71,680	\$	71,680	77196
Administration					
GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	77197
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	77198
- Taxation					
TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	77199
General Services Fund Group					77200
433 110-602 Tape File Account	\$	125,000	\$	140,000	77201
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	77202
Tax Administration					
5W4 110-625 Centralized Tax Filing	\$	400,000	\$	200,000	77203
and Payment					
5W7 110-627 Exempt Facility	\$	100,000	\$	150,000	77204
Administration					
5CZ 110-631 Vendor's License	\$	1,000,000	\$	1,000,000	77205
Application					
TOTAL GSF General Services					77206
Fund Group	\$	7,625,000	\$	7,490,000	77207
State Special Revenue Fund Group					77208
4C6 110-616 International	\$	706,855	\$	706,855	77209
Registration Plan					
4R6 110-610 Tire Tax	\$	125,000	\$	150,000	77210
Administration					
435 110-607 Local Tax	\$	17,250,000	\$	17,250,000	77211

		Administration				
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000 77212
437	110-606	Litter Tax and Natural	\$	675,000	\$	800,000 77213
		Resource Tax				
		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 77214
		Tax				
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 77215
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 77216
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 77217
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 77218
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 77219
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 77220
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 77221
		Administration				
TOTAL SSR State Special Revenue						77222
Fund Group			\$	43,291,855	\$	43,761,855 77223
Agency Fund Group						77224
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 77225
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 77226
TOTAL AGY Agency Fund Group			\$	1,586,900,000	\$	1,567,800,000 77227
Holding Account Redistribution Fund Group						77228
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 77229
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 77230
		Tax Receipts				
TOTAL 090 Holding Account						77231

Redistribution Fund Group	\$	100,000	\$	100,000	77232
TOTAL ALL BUDGET FUND GROUPS	\$	2,186,159,724	\$	2,195,194,230	77233

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX	77234
EXEMPTION	77235

The foregoing appropriation item 110-901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred because of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment 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. 77264  
77265

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. 77266  
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Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated. 77272  
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MUNICIPAL INCOME TAX 77280

The foregoing appropriation item 110-995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make these payments, such amounts are hereby appropriated. 77281  
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TAX REFUNDS 77286

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 77287  
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INTERNATIONAL REGISTRATION PLAN AUDIT 77291

The foregoing appropriation item 110-616, International Registration Plan, shall be used under section 5703.12 of the 77292  
77293

Revised Code for audits of persons with vehicles registered under the International Registration Plan.	77294 77295
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	77296
Of the foregoing appropriation item 110-607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	77297 77298 77299 77300 77301 77302 77303
LITTER CONTROL TAX ADMINISTRATION FUND	77304
Notwithstanding section 5733.12 of the Revised Code, during the period from July 1, 2007, to June 30, 2008, the amount of \$675,000, and during the period from July 1, 2008, to June 30, 2009, the amount of \$800,000, received by the Tax Commissioner under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437).	77305 77306 77307 77308 77309 77310
CENTRALIZED TAX FILING AND PAYMENT FUND	77311
The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers of cash shall not exceed \$600,000 in the biennium.	77312 77313 77314 77315 77316 77317
COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND	77318
The foregoing appropriation item 110-629, Commercial Activity Tax Administration Fund (Fund 5BQ), shall be used to pay expenses incurred by the Department of Taxation to implement and administer the Commercial Activity Tax under Chapter 5751. of the Revised Code.	77319 77320 77321 77322 77323

Notwithstanding section 3734.9010, division (B)(2)(c) of 77324  
section 4505.09, division (B) of section 5703.12, section 5703.80, 77325  
division (C)(6) of section 5727.81, sections 5733.122 and 77326  
5735.053, division (C) of section 5739.21, section 5745.03, 77327  
section 5743.024, section 5743.15, division (C) of section 77328  
5747.03, and section 5747.113 of the Revised Code or any other 77329  
provisions to the contrary, any residual cash balances determined 77330  
and certified by the Tax Commissioner to the Director of Budget 77331  
and Management shall be transferred on July 1, 2007, or as soon as 77332  
possible thereafter, to the Commercial Activities Tax 77333  
Administration Fund (Fund 5BQ). 77334

TOBACCO SETTLEMENT ENFORCEMENT 77335

The foregoing appropriation item 110-404, Tobacco Settlement 77336  
Enforcement, shall be used by the Tax Commissioner to pay costs 77337  
incurred in the enforcement of divisions (F) and (G) of section 77338  
5743.03 of the Revised Code. 77339

**Section 407.10.** DOT DEPARTMENT OF TRANSPORTATION 77340

Transportation Modes 77341

General Revenue Fund 77342

GRF 775-451	Public Transportation	\$	16,700,000	\$	17,000,000	77343
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- State

GRF 776-465	Ohio Rail Development	\$	3,700,000	\$	3,700,000	77344
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Commission

GRF 776-466	Railroad	\$	789,600	\$	789,600	77345
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Crossing/Grade

Separation

GRF 777-471	Airport Improvements -	\$	3,293,985	\$	1,794,003	77346
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State

TOTAL GRF	General Revenue Fund	\$	24,483,585	\$	23,283,603	77347
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TOTAL ALL BUDGET FUND GROUPS		\$	24,483,585	\$	23,283,603	77348
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PUBLIC TRANSPORTATION - STATE 77349

Of the foregoing GRF appropriation item 775-451, Public Transportation - State, \$200,000 in fiscal year 2008 shall be used for the Cleveland Metropolitan Park District West Creek Project.

TRANSPORTATION STUDY

Of the foregoing appropriation item 775-451, Public Transportation-State, \$50,000 in fiscal year 2008 shall be used for a Franklin County school transportation study to determine the feasibility of a countywide pupil transportation system.

AIRPORT IMPROVEMENTS

Of the foregoing appropriation item 777-471, Airport Improvements - State, \$1,500,000 in fiscal year 2008 shall be used for air travel and support and economic development of statewide airports. The Directors of Development and Transportation may enter into one or more interagency agreements between their two departments as necessary to implement a statewide strategy to enhance Ohio's airports as centers of regional economic development.

**Section 409.10.** TOS TREASURER OF STATE

General Revenue Fund					77367
					77368
GRF 090-321 Operating Expenses	\$	9,313,195	\$	9,313,195	77369
GRF 090-401 Office of the Sinking Fund	\$	537,223	\$	537,223	77370
					77371
GRF 090-402 Continuing Education	\$	448,843	\$	448,843	77372
GRF 090-524 Police and Fire Disability Pension Fund	\$	14,000	\$	12,000	77373
					77374
GRF 090-534 Police & Fire Ad Hoc Cost of Living	\$	140,000	\$	130,000	77375
					77376
GRF 090-554 Police and Fire	\$	910,000	\$	865,000	77377



	Survivor				
	Benefits				77378
GRF 090-575	Police and Fire Death	\$	20,000,000	\$	20,000,000
	Benefits				77379
	TOTAL GRF General Revenue Fund	\$	31,363,261	\$	31,306,261
	General Services Fund Group				77381
4E9 090-603	Securities Lending	\$	3,164,000	\$	3,314,000
	Income				77382
577 090-605	Investment Pool	\$	550,000	\$	550,000
	Reimbursement				77383
605 090-609	Treasurer of State	\$	350,000	\$	350,000
	Administrative Fund				77386
	TOTAL GSF General Services				77387
	Fund Group	\$	4,064,000	\$	4,214,000
	State Special Revenue Fund Group				77389
5C5 090-602	County Treasurer	\$	135,000	\$	135,000
	Education				77391
	TOTAL SSR State Special Revenue				77392
	Fund Group	\$	135,000	\$	135,000
	Agency Fund Group				77393
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000
	TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000
	TOTAL ALL BUDGET FUND GROUPS	\$	66,562,261	\$	66,655,261

**Section 409.10.10. OFFICE OF THE SINKING FUND** 77399

The foregoing appropriation item 090-401, Office of the 77400  
Sinking Fund, shall be used for financing and other costs incurred 77401  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 77402  
Public Facilities Commission or its secretary, or the Treasurer of 77403  
State, with respect to State of Ohio general obligation bonds or 77404  
notes, including, but not limited to, printing, advertising, 77405  
delivery, rating fees and the procurement of ratings, professional 77406

publications, membership in professional organizations, and 77407  
services referred to in division (D) of section 151.01 of the 77408  
Revised Code. The General Revenue Fund shall be reimbursed for 77409  
such costs by intrastate transfer voucher pursuant to a 77410  
certification by the Office of the Sinking Fund of the actual 77411  
amounts used. The amounts necessary to make such reimbursements 77412  
are appropriated from the general obligation bond retirement funds 77413  
created by the Constitution and laws to the extent such costs are 77414  
incurred. 77415

POLICE AND FIRE DEATH BENEFIT FUND 77416

The foregoing appropriation item 090-575, Police and Fire 77417  
Death Benefits, shall be disbursed quarterly by the Treasurer of 77418  
State at the beginning of each quarter of each fiscal year to the 77419  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 77420  
Treasurer of State shall certify such amounts quarterly to the 77421  
Director of Budget and Management. By the twentieth day of June of 77422  
each fiscal year, the Board of Trustees of the Ohio Police and 77423  
Fire Pension Fund shall certify to the Treasurer of State the 77424  
amount disbursed in the current fiscal year to make the payments 77425  
required by section 742.63 of the Revised Code and shall return to 77426  
the Treasurer of State moneys received from this appropriation 77427  
item but not disbursed. 77428

TAX REFUNDS 77429

The foregoing appropriation item 090-635, Tax Refunds, shall 77430  
be used to pay refunds under section 5703.052 of the Revised Code. 77431  
If the Director of Budget and Management determines that 77432  
additional amounts are necessary for this purpose, such amounts 77433  
are hereby appropriated. 77434

**Section 411.10.** TTA OHIO TUITION TRUST AUTHORITY 77435

State Special Revenue Fund Group 77436

5AM 095-603	Index Savings Plan	\$	2,376,852	\$	2,425,777	77437
5DC 095-604	Banking Products	\$	1,631,283	\$	1,648,123	77438
5P3 095-602	Variable College	\$	2,031,354	\$	2,063,596	77439
	Savings Fund					
645 095-601	Operating Expenses	\$	872,086	\$	881,169	77440
TOTAL SSR State Special Revenue						77441
Fund Group		\$	6,911,575	\$	7,018,665	77442
TOTAL ALL BUDGET FUND GROUPS		\$	6,911,575	\$	7,018,665	77443
 <b>Section 413.10. OVH OHIO VETERANS' HOME</b>						77445
General Revenue Fund						77446
GRF 430-100	Personal Services	\$	23,085,261	\$	24,403,903	77447
GRF 430-200	Maintenance	\$	7,835,544	\$	8,458,613	77448
GRF 430-402	Hall of Fame	\$	125,000	\$	125,000	77449
TOTAL GRF General Revenue Fund		\$	31,045,805	\$	32,987,516	77450
General Services Fund Group						77451
484 430-603	Veterans Home Services	\$	375,880	\$	375,880	77452
TOTAL GSF General Services Fund		\$	375,880	\$	375,880	77453
Group						
Federal Special Revenue Fund Group						77454
3BX 430-609	Medicare Services	\$	1,446,807		1,446,807	77455
3L2 430-601	Veterans Home	\$	15,290,320	\$	15,410,471	77456
	Operations - Federal					
TOTAL FED Federal Special Revenue						77457
Fund Group		\$	16,737,127	\$	16,857,278	77458
State Special Revenue Fund Group						77459
4E2 430-602	Veterans Home	\$	8,530,800	\$	8,530,800	77460
	Operating					
604 430-604	Veterans Home	\$	770,096	\$	770,096	77461
	Improvement					
TOTAL SSR State Special Revenue						77462
Fund Group		\$	9,300,896	\$	9,300,896	77463

TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$	59,521,570	77464
CORNERSTONE OF HOPE					
Of the foregoing appropriation item 430-100, Personal					77466
Services, \$100,000 in each fiscal year shall be distributed to					77467
Cornerstone of Hope to be used to provide professional counseling					77468
services for individuals who have recently lost family members who					77469
were service men and service women in the United States Armed					77470
Forces.					77471
<b>Section 415.10. VET VETERANS' ORGANIZATIONS</b>					77472
General Revenue Fund					77473
VAP AMERICAN EX-PRISONERS OF WAR					
GRF 743-501 State Support	\$	27,533	\$	27,533	77475
VAN ARMY AND NAVY UNION, USA, INC.					
GRF 746-501 State Support	\$	60,513	\$	60,513	77477
VKW KOREAN WAR VETERANS					
GRF 747-501 State Support	\$	54,398	\$	54,398	77479
VJW JEWISH WAR VETERANS					
GRF 748-501 State Support	\$	32,687	\$	32,687	77481
VCW CATHOLIC WAR VETERANS					
GRF 749-501 State Support	\$	63,789	\$	63,789	77483
VPH MILITARY ORDER OF THE PURPLE HEART					
GRF 750-501 State Support	\$	62,015	\$	62,015	77485
VVV VIETNAM VETERANS OF AMERICA					
GRF 751-501 State Support	\$	204,549	\$	204,549	77487
VAL AMERICAN LEGION OF OHIO					
GRF 752-501 State Support	\$	332,561	\$	332,561	77489
VII AMVETS					
GRF 753-501 State Support	\$	316,711	\$	316,711	77491
VAV DISABLED AMERICAN VETERANS					
GRF 754-501 State Support	\$	237,939	\$	237,939	77493
VMC MARINE CORPS LEAGUE					

GRF 756-501 State Support	\$	127,569	\$	127,569	77495
V37 37TH DIVISION AEF VETERANS' ASSOCIATION					77496
GRF 757-501 State Support	\$	6,541	\$	6,541	77497
VFW VETERANS OF FOREIGN WARS					77498
GRF 758-501 State Support	\$	271,277	\$	271,277	77499
TOTAL GRF General Revenue Fund	\$	1,798,082	\$	1,798,082	77500
TOTAL ALL BUDGET FUND GROUPS	\$	1,798,082	\$	1,798,082	77501

RELEASE OF FUNDS 77502

The foregoing appropriation items 743-501, 746-501, 747-501, 77503  
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 77504  
756-501, 757-501, and 758-501, State Support, shall be released 77505  
upon approval by the Director of Budget and Management. 77506

CENTRAL OHIO UNITED SERVICES ORGANIZATION 77507

Of the foregoing appropriation item 751-501, State Support, 77508  
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 77509  
used to support the activities of the Central Ohio USO. 77510

VAL AMERICAN LEGION OF OHIO 77511

Of the foregoing appropriation item 752-501, State Support, 77512  
VAL American Legion, at least \$50,000 in each fiscal year shall be 77513  
used to fund service officer expenses. 77514

VETERANS SERVICE COMMISSION EDUCATION 77515

Of the foregoing appropriation item 753-501, State Support, 77516  
AMVETS, up to \$20,000 in each fiscal year may be used to provide 77517  
moneys to the Association of County Veterans Service Commissioners 77518  
to reimburse its member county veterans service commissions for 77519  
costs incurred in carrying out educational and outreach duties 77520  
required under divisions (E) and (F) of section 5901.03 of the 77521  
Revised Code. The Director of Budget and Management shall release 77522  
these funds upon the presentation of an itemized receipt, approved 77523  
by the Governor's Office of Veterans Affairs, from the association 77524  
for reasonable and appropriate expenses incurred while performing 77525

these duties. The association shall establish uniform procedures	77526
for reimbursing member commissions.	77527
VII AMVETS	77528
Of the foregoing appropriation item 753-501, State Support,	77529
AMVETS, at least \$50,000 shall be used in each fiscal year to fund	77530
service officer expenses.	77531
VAV DISABLED AMERICAN VETERANS	77532
Of the foregoing appropriation item 754-501, State Support,	77533
VAV Disabled American Veterans, at least \$50,000 in each fiscal	77534
year shall be used to fund service officer expenses.	77535
VMC MARINE CORPS LEAGUE	77536
Of the foregoing appropriation item 756-501, State Support,	77537
VMC Marine Corps League, at least \$30,000 in each fiscal year	77538
shall be used to fund service officer expenses.	77539
VFW VETERANS OF FOREIGN WARS	77540
Of the foregoing appropriation item 758-501, State Support,	77541
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year	77542
shall be used to fund service officer expenses.	77543
<b>Section 417.10. DVM STATE VETERINARY MEDICAL BOARD</b>	77544
General Services Fund Group	77545
4K9 888-609 Operating Expenses \$ 322,740 \$ 327,312	77546
5BU 888-602 Veterinary Student \$ 60,000 \$ 0	77547
Loan Program	
TOTAL GSF General Services	77548
Fund Group \$ 382,740 \$ 327,312	77549
TOTAL ALL BUDGET FUND GROUPS \$ 382,740 \$ 327,312	77550
<b>Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES</b>	77552
General Revenue Fund	77553

GRF 470-401	RECLAIM Ohio	\$	186,338,297	\$	190,599,131	77554
GRF 470-412	Lease Rental Payments	\$	24,207,700	\$	24,208,700	77555
GRF 470-510	Youth Services	\$	18,558,587	\$	18,558,587	77556
GRF 472-321	Parole Operations	\$	15,356,904	\$	15,764,729	77557
GRF 477-321	Administrative Operations	\$	14,754,420	\$	14,754,419	77558
TOTAL GRF	General Revenue Fund	\$	259,215,908	\$	263,885,566	77559
General Services Fund Group						77560
175 470-613	Education Reimbursement	\$	9,985,035	\$	10,550,725	77561
4A2 470-602	Child Support	\$	328,657	\$	328,657	77562
4G6 470-605	General Operational Funds	\$	49,713	\$	50,955	77563
4G6 470-631	SCALE Program	\$	100,000	\$	100,000	77564
479 470-609	Employee Food Service	\$	137,666	\$	137,666	77565
5BN 470-629	E-Rate Program	\$	200,000	\$	200,000	77566
TOTAL GSF	General Services Fund Group	\$	10,801,071	\$	11,368,003	77567
Federal Special Revenue Fund Group						77569
3BH 470-630	Federal Juvenile Programs FFY 06	\$	100,000	\$	50,000	77570
3BT 470-634	Federal Juvenile Programs	\$	300,000	\$	50,000	77571
3BY 470-635	Federal Juvenile Programs FFY 07	\$	903,350	\$	350,000	77572
3BZ 470-636	Federal Juvenile Programs FFY 08	\$	0	\$	653,350	77573
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$	2,750,000	\$	2,750,000	77574
3Z9 470-626	Federal Juvenile Programs FFY 05	\$	142,253	\$	0	77575

321 470-601	Education	\$	5,202,160	\$	5,473,109	77576
321 470-603	Juvenile Justice	\$	51,000	\$	30,000	77577
	Prevention					
321 470-606	Nutrition	\$	2,908,369	\$	2,981,078	77578
321 470-610	Rehabilitation	\$	36,000	\$	36,000	77579
	Programs					
321 470-614	Title IV-E	\$	6,162,670	\$	6,316,737	77580
	Reimbursements					
321 470-617	Americorps Programs	\$	463,700	\$	463,700	77581
321 470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	77582
TOTAL FED Federal Special Revenue						77583
Fund Group		\$	20,037,345	\$	20,171,817	77584
State Special Revenue Fund Group						77585
147 470-612	Vocational Education	\$	2,074,710	\$	2,141,823	77586
5BH 470-628	Partnerships for	\$	1,500,000	\$	1,500,000	77587
	Success					
TOTAL SSR State Special Revenue						77588
Fund Group		\$	3,574,710	\$	3,641,823	77589
TOTAL ALL BUDGET FUND GROUPS						77590
RECLAIM OHIO						77591
Of the foregoing appropriation item 470-401, RECLAIM Ohio,						77592
\$25,000 in each fiscal year shall be distributed directly to the						77593
Lighthouse Youth Services Wrap-Around Program.						77594
OHIO BUILDING AUTHORITY LEASE PAYMENTS						77595
The foregoing appropriation item 470-412, Lease Rental						77596
Payments, in the Department of Youth Services, shall be used to						77597
meet all payments to the Ohio Building Authority for the period						77598
from July 1, 2007, to June 30, 2009, under the leases and						77599
agreements for facilities made under Chapter 152. of the Revised						77600
Code. This appropriation is the source of funds pledged for bond						77601
service charges on related obligations issued pursuant to Chapter						77602
152. of the Revised Code.						77603



EDUCATION REIMBURSEMENT 77604

The foregoing appropriation item 470-613, Education 77605  
Reimbursement, shall be used to fund the operating expenses of 77606  
providing educational services to youth supervised by the 77607  
Department of Youth Services. Operating expenses include, but are 77608  
not limited to, teachers' salaries, maintenance costs, and 77609  
educational equipment. This appropriation item may be used for 77610  
capital expenses related to the education program. 77611

EMPLOYEE FOOD SERVICE AND EQUIPMENT 77612

Notwithstanding section 125.14 of the Revised Code, the 77613  
foregoing appropriation item 470-609, Employee Food Service, may 77614  
be used to purchase any food operational items with funds received 77615  
into the fund from reimbursement for state surplus property. 77616

**Section 503.03.** PERSONAL SERVICE EXPENSES 77617

Unless otherwise prohibited by law, any appropriation from 77618  
which personal service expenses are paid shall bear the employer's 77619  
share of public employees' retirement, workers' compensation, 77620  
disabled workers' relief, and all group insurance programs; the 77621  
costs of centralized accounting, centralized payroll processing, 77622  
and related personnel reports and services; the cost of the Office 77623  
of Collective Bargaining; the cost of the Employee Assistance 77624  
Program; the cost of the affirmative action and equal employment 77625  
opportunity programs administered by the Department of 77626  
Administrative Services; the costs of interagency information 77627  
management infrastructure; and the cost of administering the state 77628  
employee merit system as required by section 124.07 of the Revised 77629  
Code. These costs shall be determined in conformity with the 77630  
appropriate sections of law and paid in accordance with procedures 77631  
specified by the Office of Budget and Management. Expenditures 77632  
from appropriation item 070-601, Public Audit Expense - Local 77633  
Government, in Fund 422 may be exempted from the requirements of 77634

this section. 77635

**Section 503.06.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 77636  
AGAINST THE STATE 77637

Except as otherwise provided in this section, an 77638  
appropriation in this act or any other act may be used for the 77639  
purpose of satisfying judgments, settlements, or administrative 77640  
awards ordered or approved by the Court of Claims or by any other 77641  
court of competent jurisdiction in connection with civil actions 77642  
against the state. This authorization does not apply to 77643  
appropriations to be applied to or used for payment of guarantees 77644  
by or on behalf of the state, or for payments under lease 77645  
agreements relating to, or debt service on, bonds, notes, or other 77646  
obligations of the state. Notwithstanding any other statute to the 77647  
contrary, this authorization includes appropriations from funds 77648  
into which proceeds of direct obligations of the state are 77649  
deposited only to the extent that the judgment, settlement, or 77650  
administrative award is for, or represents, capital costs for 77651  
which the appropriation may otherwise be used and is consistent 77652  
with the purpose for which any related obligations were issued or 77653  
entered into. Nothing contained in this section is intended to 77654  
subject the state to suit in any forum in which it is not 77655  
otherwise subject to suit, and is not intended to waive or 77656  
compromise any defense or right available to the state in any suit 77657  
against it. 77658

**Section 503.09.** CAPITAL PROJECT SETTLEMENTS 77659

This section specifies an additional and supplemental 77660  
procedure to provide for payments of judgments and settlements if 77661  
the Director of Budget and Management determines, pursuant to 77662  
division (C)(4) of section 2743.19 of the Revised Code, that 77663  
sufficient unencumbered moneys do not exist in the particular 77664

appropriation to pay the amount of a final judgment rendered 77665  
against the state or a state agency, including the settlement of a 77666  
claim approved by a court, in an action upon and arising out of a 77667  
contractual obligation for the construction or improvement of a 77668  
capital facility if the costs under the contract were payable in 77669  
whole or in part from a state capital projects appropriation. In 77670  
such a case, the director may either proceed pursuant to division 77671  
(C)(4) of section 2743.19 of the Revised Code or apply to the 77672  
Controlling Board to increase an appropriation or create an 77673  
appropriation out of any unencumbered moneys in the state treasury 77674  
to the credit of the capital projects fund from which the initial 77675  
state appropriation was made. The Controlling Board may approve or 77676  
disapprove the application as submitted or modified. The amount of 77677  
an increase in appropriation or new appropriation specified in an 77678  
application approved by the Controlling Board is hereby 77679  
appropriated from the applicable capital projects fund and made 77680  
available for the payment of the judgment or settlement. 77681

If the director does not make the application authorized by 77682  
this section or the Controlling Board disapproves the application, 77683  
and the director does not make application under division (C)(4) 77684  
of section 2743.19 of the Revised Code, the director shall for the 77685  
purpose of making that payment make a request to the General 77686  
Assembly as provided for in division (C)(5) of that section. 77687

**Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS** 77688

In order to provide funds for the reissuance of voided 77689  
warrants under section 117.47 of the Revised Code, there is hereby 77690  
appropriated, out of moneys in the state treasury from the fund 77691  
credited as provided in section 117.47 of the Revised Code, that 77692  
amount sufficient to pay such warrants when approved by the Office 77693  
of Budget and Management. 77694

**Section 503.15.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 77695  
BALANCES OF OPERATING APPROPRIATIONS 77696

Except for amounts of \$50,000,000 or more that are encumbered 77697  
from the General Revenue Fund for program subsidy payments, which 77698  
the Director of Budget and Management must report to the 77699  
Controlling Board, an unexpended balance of an operating 77700  
appropriation or reappropriation that a state agency lawfully 77701  
encumbered prior to the close of a fiscal year is reappropriated 77702  
on the first day of July of the following fiscal year from the 77703  
fund from which it was originally appropriated or reappropriated 77704  
for the following period and shall remain available only for the 77705  
purpose of discharging the encumbrance: 77706

(A) For an encumbrance for personal services, maintenance, 77707  
equipment, or items for resale, other than an encumbrance for an 77708  
item of special order manufacture not available on term contract 77709  
or in the open market or for reclamation of land or oil and gas 77710  
wells for a period of not more than five months from the end of 77711  
the fiscal year; 77712

(B) For an encumbrance for an item of special order 77713  
manufacture not available on term contract or in the open market, 77714  
for a period of not more than five months from the end of the 77715  
fiscal year or, with the written approval of the Director of 77716  
Budget and Management, for a period of not more than twelve months 77717  
from the end of the fiscal year; 77718

(C) For an encumbrance for reclamation of land or oil and gas 77719  
wells, for a period ending when the encumbered appropriation is 77720  
expended or for a period of two years, whichever is less; 77721

(D) For an encumbrance for any other expense, for such period 77722  
as the director approves, provided such period does not exceed two 77723  
years. 77724

Any operating appropriations for which unexpended balances 77725  
are reappropriated beyond a five-month period from the end of the 77726  
fiscal year by division (B) of this section shall be reported to 77727  
the Controlling Board by the Director of Budget and Management by 77728  
the thirty-first day of December of each year. The report on each 77729  
such item shall include the item, the cost of the item, and the 77730  
name of the vendor. The report shall be updated on a quarterly 77731  
basis for encumbrances remaining open. 77732

Upon the expiration of the reappropriation period set out in 77733  
divisions (A), (B), (C), or (D) of this section, a reappropriation 77734  
made by this section lapses, and the Director of Budget and 77735  
Management shall cancel the encumbrance of the unexpended 77736  
reappropriation not later than the end of the weekend following 77737  
the expiration of the reappropriation period. 77738

Notwithstanding the preceding paragraph, with the approval of 77739  
the Director of Budget and Management, an unexpended balance of an 77740  
encumbrance that was reappropriated on the first day of July by 77741  
this section for a period specified in division (C) or (D) of this 77742  
section and that remains encumbered at the close of the fiscal 77743  
biennium is hereby reappropriated on the first day of July of the 77744  
following fiscal biennium from the fund from which it was 77745  
originally appropriated or reappropriated for the applicable 77746  
period specified in division (C) or (D) of this section and shall 77747  
remain available only for the purpose of discharging the 77748  
encumbrance. 77749

The Director of Budget and Management may correct accounting 77750  
errors committed by the staff of the Office of Budget and 77751  
Management, such as re-establishing encumbrances or appropriations 77752  
cancelled in error, during the cancellation of operating 77753  
encumbrances in November and of nonoperating encumbrances in 77754  
December. 77755

If the Controlling Board approved a purchase, that approval 77756

remains in effect so long as the appropriation used to make that 77757  
purchase remains encumbered. 77758

**Section 503.18.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 77759  
RE-ESTABLISHMENT OF ENCUMBRANCES 77760

Any cash transferred by the Director of Budget and Management 77761  
under section 126.15 of the Revised Code is hereby appropriated. 77762  
Any amounts necessary to re-establish appropriations or 77763  
encumbrances under section 126.15 of the Revised Code are hereby 77764  
appropriated. 77765

**Section 503.21.** INCOME TAX DISTRIBUTION TO COUNTIES 77766

There are hereby appropriated out of any moneys in the state 77767  
treasury to the credit of the General Revenue Fund, which are not 77768  
otherwise appropriated, funds sufficient to make any payment 77769  
required by division (B)(2) of section 5747.03 of the Revised 77770  
Code. 77771

**Section 503.24.** EXPENDITURES AND APPROPRIATION INCREASES 77772  
APPROVED BY THE CONTROLLING BOARD 77773

Any money that the Controlling Board approves for expenditure 77774  
or any increase in appropriation authority that the Controlling 77775  
Board approves under sections 127.14, 131.35, and 131.39 of the 77776  
Revised Code or any other provision of law is hereby appropriated 77777  
for the period ending June 30, 2009. 77778

**Section 503.27.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 77779  
RESIDENCE 77780

If the Governor's Residence Fund (Fund 4H2) receives payment 77781  
for use of the residence pursuant to section 107.40 of the Revised 77782  
Code, the amounts so received are hereby appropriated to 77783  
appropriation item 100-604, Governor's Residence Gift. 77784

<b>Section 506.03.</b> UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS			77785
The maximum amounts that may be assessed against nuclear			77786
electric utilities under division (B)(2) of section 4937.05 of the			77787
Revised Code are as follows:			77788
	FY 2008	FY 2009	77789
Department of Agriculture			77790
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	77791
Department of Health			77792
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	77793
Environmental Protection Agency			77794
Fund 644 ER Radiological Safety	\$286,114	\$286,114	77795
Emergency Management Agency			77796
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	77797
<b>Section 512.01.</b> TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE			77798
FUND ENDING BALANCES			77799
Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of			77800
section 131.44 of the Revised Code, up to \$100,000,000 in cash			77801
from fiscal year 2007 surplus revenue in excess of the amount			77802
required under division (A)(3) of section 131.44 of the Revised			77803
Code shall remain in the General Revenue Fund (GRF).			77804
<b>Section 512.03.</b> TRANSFERS TO THE GENERAL REVENUE FUND FROM			77805
NON-GRF FUNDS			77806
Notwithstanding any other provision of law to the contrary,			77807
during fiscal years 2008 and 2009, the Director of Budget and			77808
Management is hereby authorized to transfer cash from non-General			77809
Revenue Fund funds that are not constitutionally restricted to the			77810
General Revenue Fund. The total amount of cash transfers made			77811
pursuant to this section to the General Revenue Fund during fiscal			77812
years 2008 and 2009 shall not exceed \$70,000,000.			77813

**Section 512.06.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 77814  
77815

Notwithstanding any provision of Ohio law to the contrary, 77816  
the Director of Budget and Management, through June 30, 2009, may 77817  
transfer interest earned by any fund in the Central Accounting 77818  
System to the General Revenue Fund. Subsequent to the making of 77819  
such transfers, the Director of Budget and Management shall 77820  
provide a report to the Controlling Board at its next regularly 77821  
scheduled meeting detailing the funds from which the interest 77822  
earned was transferred to the General Revenue Fund and the amount 77823  
of interest earnings transferred from each of those funds. This 77824  
section does not apply to funds whose source of revenue is 77825  
restricted or protected by the Constitution of this state, federal 77826  
tax law, or the "Cash Management Improvement Act of 1990" 104 77827  
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 77828

**Section 512.07.** CASH TRANSFERS FROM REPARATIONS FUND (Fund 402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 77829  
77830

Notwithstanding any other provision of law to the contrary, 77831  
on the first day of July in each of years 2007 and 2008, or as 77832  
soon as practicable thereafter in each of those years, the 77833  
Director of Budget and Management shall transfer \$350,000 in cash 77834  
from the Reparations Fund (Fund 402) to the Disaster Preparedness 77835  
Fund (Fund 5EX). 77836

**Section 512.09.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 77837

Not later than the first day of June in each year of the 77838  
biennium, the Director of Budget and Management shall transfer 77839  
\$500,000 from the Corporate and Uniform Commercial Code Filing 77840  
Fund to the General Revenue Fund. 77841

**Section 512.21.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT 77842



IMPLEMENTATION 77843

On July 1, 2007, or as soon thereafter as possible, the 77844  
Director of Budget and Management shall transfer an amount not to 77845  
exceed \$2,200,725 in cash from the General Revenue Fund to Fund 77846  
5N4, OAKS Project Implementation. On July 1, 2008, or as soon 77847  
thereafter as possible, the Director of Budget and Management 77848  
shall transfer an amount not to exceed \$2,092,779 in cash from the 77849  
General Revenue Fund to Fund 5N4, OAKS Project Implementation. 77850

**Section 512.31.** TEMPORARY TRANSFER TO THE OAKS SUPPORT 77851  
ORGANIZATION FUND 77852

Notwithstanding any provision of law to the contrary, in 77853  
fiscal year 2008, the Director of Budget and Management may 77854  
transfer an amount not to exceed \$1,000,000 in cash from the Human 77855  
Resources Services Fund (Fund 125) to the OAKS Support 77856  
Organization Fund (Fund 5EB). These amounts shall support the 77857  
establishment of the OAKS Support Organization. Amounts 77858  
transferred to the OAKS Support Organization Fund and interest 77859  
earnings on these amounts transferred during fiscal year 2008 77860  
shall be returned to the Human Resources Services Fund not later 77861  
than January 1, 2008. Upon certification of the total amount 77862  
transferred from Fund 125 to Fund 5EB, the Director of Budget and 77863  
Management shall transfer cash in the amount certified from Fund 77864  
5EB to Fund 125. 77865

**Section 512.32.** GRF TRANSFER TO FUND 470, FEE SUPPORTED 77866  
PROGRAMS 77867

On July 1, 2007, or as soon as possible thereafter, the 77868  
Director of Budget and Management shall transfer \$50,000 in cash 77869  
from the General Revenue Fund to Fund 470, Fee Supported Programs, 77870  
in the Department of Health. 77871

**Section 512.34.** TRANSFER FROM EDUCATION FACILITIES ENDOWMENT 77872  
FUND 77873

Notwithstanding division (G) of section 183.27 of the Revised 77874  
Code, the Director of Budget and Management shall transfer 77875  
\$40,000,000 cash in fiscal year 2008 from the Education Facilities 77876  
Endowment Fund (Fund P87) to the General Revenue Fund. 77877

**Section 512.35.** DIESEL EMISSIONS REDUCTION AND TRANSIT 77878  
CAPITAL GRANT PROGRAMS 77879

On the first day of July of each fiscal year or as soon as 77880  
possible thereafter, the Director of Budget and Management shall 77881  
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 77882  
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 77883  
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 77884  
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 77885  
each fiscal year from the Highway Operating Fund to the Transit 77886  
Capital Fund (Fund 5E7). The amounts transferred are hereby 77887  
appropriated. 77888

The transfer to the Diesel Emissions Grant Fund shall be used 77889  
for the administration and oversight of the Diesel Emissions 77890  
Reduction Grant Program within the Department of Development. In 77891  
addition to the allowable expenditures set forth in section 77892  
122.861 of the Revised Code, Diesel Emissions Reduction Grant 77893  
Program funds also may be used to fund projects involving the 77894  
purchase or use of hybrid and alternative fuel vehicles that are 77895  
allowed under guidance developed by the Federal Highway 77896  
Administration for the Congestion Mitigation and Air Quality 77897  
(CMAQ) Program. The Director of Development, in consultation with 77898  
the Director of Environmental Protection, shall develop guidance 77899  
for distribution of the funds from the Diesel Emissions Grant 77900  
Fund. The guidance shall include a method for prioritization of 77901

projects, acceptable technologies, and procedures for awarding grants and loans. 77902  
77903

The transfer to the Transit Capital Fund (Fund 5E7) shall be used to supplement the capital portion of the Ohio Public Transportation Grant Program within the Department of Transportation. 77904  
77905  
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These cash transfers represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Department of Development and for use by the Ohio Public Transportation Grant Program by the Ohio Department of Transportation. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations. 77908  
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**Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND** 77915

On July 1, 2007, and on July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management may transfer cash from the funds specified below, in the amount specified below, to the Energy Strategy Development Fund, which is hereby created in the state treasury. The fund may accept contributions and transfers made to the fund. The funds shall be used to develop energy initiatives, projects, and policy. 77916  
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<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	77923 77924
Department of Agriculture	3J4	\$35,000	\$35,000	77925
Department of Development	4H4	\$32,447	\$0	77926
Department of Development	135	\$0	\$35,000	77927
Environmental Protection Agency	219	\$35,000	\$35,000	77928
Department of Natural Resources	157	\$35,000	\$35,000	77929
Department of Transportation	002	\$50,000	\$50,000	77930

**Section 512.38.** CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 77931  
FUND TO TITLE DEFECT RESCISSION FUND 77932

Notwithstanding any other provision of law to the contrary, 77933  
on July 1, 2007, or as soon as practicable thereafter, the 77934  
Director of Budget and Management shall transfer \$1,000,000 in 77935  
cash from the Automated Title Processing Fund (Fund 849) to the 77936  
Title Defect Rescission Fund (Fund 4Y7). 77937

**Section 512.41.** For purposes of sections 109.93, 111.18, and 77938  
173.85 of the Revised Code, as amended by this act, the Director 77939  
of Budget and Management, in collaboration with the Treasurer of 77940  
State, may take any action necessary to establish funds in the 77941  
state treasury that were previously held in the custody of the 77942  
Treasurer of State, including, but not limited to, the transfer of 77943  
cash from the custodial funds to the state treasury and the 77944  
establishment of appropriations and encumbrances to support 77945  
outstanding obligations. The amounts necessary to support 77946  
outstanding obligations are hereby appropriated. Agencies may 77947  
request additional appropriation authority, but it shall be 77948  
subject to approval by the Controlling Board. 77949

**Section 512.50.** GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 77950  
INTRA-STATE FUND 77951

On July 1, 2007, or as soon as possible thereafter, the 77952  
Director of Budget and Management shall transfer \$400,000 cash 77953  
from the General Revenue Fund to the Public Audit Expense 77954  
Intra-State Fund (Fund 109). The amounts transferred are hereby 77955  
appropriated to help pay for expenses incurred in the Auditor of 77956  
State's role relating to fiscal caution, fiscal watch, and fiscal 77957  
emergency activities as defined in Chapter 3316. of the Revised 77958  
Code and for performance audits for school districts in fiscal 77959  
distress. 77960

**Section 515.03.** (A) Effective July 1, 2007, the State Chief Information Officer shall report to the Director of Budget and Management. All actions of the State Chief Information Officer thereafter shall be subject to the approval of the Director of Budget and Management. The State Chief Information Officer shall continue to perform all the duties, powers, and obligations of the State Chief Information Officer and the Office of Information Technology provided for by law. To allow for the administrative reorganization and program transfer, the operation of the Office of Information Technology shall remain within the Department of Administrative Services through June 30, 2008. Notwithstanding any section of the Revised Code, funds appropriated in this act to the Department of Administrative Services for the Office of Information Technology and the employees and assets of the Office of Information Technology in the Department shall be used by the Department as directed by the State Chief Information Officer for the continued operation of the Office of Information Technology. Effective July 1, 2008, the operations of the Office of Information Technology in the Department of Administrative Services cease.

(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.

(C) Effective July 1, 2008, all funding, assets, and records

of the Office of Information Technology in the Department of 77993  
Administrative Services shall be transferred to the Office of 77994  
Budget and Management. 77995

(D) Any matter commenced but not completed by the Office of 77996  
Information Technology in the Department of Administrative 77997  
Services on July 1, 2007, shall be completed by the Office of 77998  
Information Technology in the Office of Budget and Management, as 77999  
appropriate, in the same manner, and with the same effect, as if 78000  
completed by the Office of Information Technology in the 78001  
Department of Administrative Services. Any validation, cure, 78002  
right, privilege, remedy, obligation, or liability of the Office 78003  
of Information Technology is not lost or impaired by reason of the 78004  
transfer and shall be administered by the State Chief Information 78005  
Officer and Office of Information Technology in the Office of 78006  
Budget and Management. 78007

(E) All rules, orders, policies, directives, and 78008  
determinations of the State Chief Information Officer and the 78009  
Office of Information Technology in the Department of 78010  
Administrative Services continue in effect as rules, orders, 78011  
policies, directives, and determinations of the State Chief 78012  
Information Officer and the Office of Information Technology in 78013  
the Office of Budget and Management until modified or rescinded by 78014  
the Officer, Office, or the Director of Budget and Management. At 78015  
the request of the State Chief Information Officer or the Director 78016  
of Budget and Management, and if necessary to ensure the integrity 78017  
of the numbering of the Administrative Code, the Director of the 78018  
Legislative Service Commission shall renumber rules of the Office 78019  
of Information Technology to reflect the transfer to the Office of 78020  
Budget and Management. 78021

(F) Effective July 1, 2007, whenever the Department of 78022  
Administrative Services, the Office of Information Technology, or 78023  
the State Chief Information Officer is referred to in any law, 78024

contract, or other document in relation to statewide information 78025  
technology, the reference shall be deemed to refer to the Office 78026  
of Budget and Management or the Office of Information Technology 78027  
in the Office of Budget and Management. 78028

(G) Effective July 1, 2007, any action or proceeding or 78029  
adjudication that is related to the Office of Information 78030  
Technology in the Department of Administrative Services and that 78031  
is pending shall not be affected by the transfer and shall be 78032  
prosecuted or defended in the name of the Director of Budget and 78033  
Management or the Office of Budget and Management. In all such 78034  
actions and proceedings the Director or the Office, upon 78035  
application to the court or agency, shall be substituted as a 78036  
party. 78037

(H) On and after July 1, 2007, notwithstanding any provision 78038  
of law to the contrary, the Director of Budget and Management is 78039  
authorized to take the actions described in this section with 78040  
respect to budget changes made necessary by the transfer, 78041  
including administrative reorganization, program transfers, the 78042  
creation of new funds, the creation of new appropriation items, 78043  
and the consolidation of funds as authorized by this act. The 78044  
Director may make any transfer of cash balances between funds. At 78045  
the request of the Director of Budget and Management, the State 78046  
Chief Information Officer shall certify to the Director an 78047  
estimate of the amount of the cash balance to be transferred to 78048  
the receiving fund. The Director may transfer the estimated amount 78049  
when needed to make payments. Not more than thirty days after 78050  
certifying the estimated amount, the State Chief Information 78051  
Officer shall certify the final amount to the Director. The 78052  
Director shall transfer the difference between any amount 78053  
previously transferred and the certified final amount. The 78054  
Director may cancel encumbrances or parts of encumbrances and 78055  
re-establish encumbrances or parts of encumbrances as needed in 78056

the appropriate fund and appropriation item for the same purpose 78057  
and to the same vendor. As determined by the Director, the 78058  
appropriation authority necessary to re-establish those 78059  
encumbrances in a different fund or appropriation item in or 78060  
between the Office of Budget and Management and the Department of 78061  
Administrative Services is hereby authorized. The Director shall 78062  
reduce each year's appropriation balances by the amount of the 78063  
encumbrances canceled in their respective funds and appropriation 78064  
items. Any fiscal year 2008 unencumbered or unallocated 78065  
appropriation balances may be transferred to the appropriate item 78066  
to be used for the same purposes, as determined by the Director. 78067

**Section 515.06.** TRANSFER OF PRINTING SERVICES FROM THE OFFICE 78068  
OF INFORMATION TECHNOLOGY 78069

Effective July 1, 2007, or the earliest date thereafter 78070  
agreed to by the Director of Budget and Management and the 78071  
Director of Administrative Services, the Office of Information 78072  
Technology printing office currently located on Integrity Drive in 78073  
Columbus shall become part of the Department of Administrative 78074  
Services. The functions, assets, and liabilities, including, but 78075  
not limited to, records, regardless of form or medium, leases, and 78076  
contracts, of the printing office are transferred to the 78077  
Department of Administrative Services. The Department of 78078  
Administrative Services is thereupon and thereafter successor to, 78079  
assumes the obligations of, and otherwise constitutes the 78080  
continuation of the printing office. The functions of the printing 78081  
office are thereupon and thereafter transferred to the Department 78082  
of Administrative Services. 78083

Any business commenced but not completed by the printing 78084  
office by the date of the transfer shall be completed by the 78085  
Department of Administrative Services, in the same manner, and 78086  
with the same effect, as if completed by the printing office. No 78087



validation, cure, right, privilege, remedy, obligation, or 78088  
liability is lost or impaired by reason of the transfer and shall 78089  
be administered by the Department of Administrative Services. All 78090  
the printing office's rules, orders, and determinations continue 78091  
in effect as rules, orders, and determinations of the Department 78092  
of Administrative Services, until modified or rescinded by the 78093  
Department of Administrative Services. If necessary to ensure the 78094  
integrity of the Administrative Code rule numbering system, the 78095  
Director of the Legislative Service Commission shall renumber the 78096  
printing office's rules to reflect their transfer to the 78097  
Department of Administrative Services. 78098

Employees of the Office of Information Technology designated 78099  
as staff in the printing office shall be transferred to the 78100  
Department of Administrative Services. Subject to the layoff 78101  
provisions of sections 124.321 to 124.328 of the Revised Code, the 78102  
layoff provisions of the contract between the state and all 78103  
bargaining units affected, the employees transferred to the 78104  
Department of Administrative Services retain their positions and 78105  
all benefits accruing thereto. 78106

No judicial or administrative action or proceeding to which 78107  
the printing office is a party that is pending on July 1, 2007, or 78108  
such later date as may be established by the Director of the 78109  
Office of Information Technology and the Director of 78110  
Administrative Services, is affected by the transfer of functions. 78111  
The action or proceeding shall be prosecuted or defended in the 78112  
name of the Director of Administrative Services. On application to 78113  
the court or agency, the Director of Administrative Services shall 78114  
be substituted for the Director of the Office of Information 78115  
Technology as a party to the action or proceeding. 78116

On and after July 1, 2007, notwithstanding any provision of 78117  
law to the contrary, the Director of Budget and Management shall 78118  
take the actions with respect to budget changes made necessary by 78119

the transfer, including administrative reorganization, program 78120  
transfers, the creation of new funds, and the consolidation of 78121  
funds as authorized by this section. The Director of Budget and 78122  
Management may cancel encumbrances and re-establish encumbrances 78123  
or parts of encumbrances as needed in fiscal year 2008 in the 78124  
appropriate fund and appropriation item for the same purpose and 78125  
for payment to the same vendor. The Director of Budget and 78126  
Management as determined necessary, may re-establish encumbrances 78127  
in fiscal year 2008 in a different fund or appropriation item in 78128  
an agency or between agencies. The re-established encumbrances are 78129  
hereby appropriated. The Director of Budget and Management shall 78130  
reduce each year's appropriation balances by the amount of the 78131  
encumbrance canceled in their respective funds and appropriation 78132  
items. 78133

Not later than sixty days after the transfer of the printing 78134  
office to the Department of Administrative Services, the Director 78135  
of the Office of Information Technology shall certify to the 78136  
Director of Budget and Management the amount of cash associated 78137  
with printing services supported by Fund 133, IT Services Delivery 78138  
Fund. Upon receipt of the certification, the Director of Budget 78139  
and Management shall transfer cash from Fund 133, IT Services 78140  
Delivery Fund, to Fund 210, State Printing Fund. This amount is 78141  
hereby appropriated. 78142

**Section 515.09. TRANSFER OF MAIL AND FULFILLMENT SERVICES** 78143  
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 78144

Effective July 1, 2007, or the earliest date thereafter 78145  
agreed to by the Director of Job and Family Services and the 78146  
Director of Administrative Services, the Department of Job and 78147  
Family Services mail and fulfillment office, currently located on 78148  
Integrity Drive in Columbus shall become part of the Department of 78149  
Administrative Services. The functions, assets, and liabilities, 78150

including, but not limited to, records, regardless of form or 78151  
medium, leases, and contracts, of the mail and fulfillment office 78152  
is transferred to the Department of Administrative Services. The 78153  
Department of Administrative Services is thereupon and thereafter 78154  
successor to, assumes the obligations of, and otherwise 78155  
constitutes the continuation of the mail and fulfillment office. 78156  
The functions of the mail and fulfillment office are thereupon and 78157  
thereafter transferred to the Department of Administrative 78158  
Services. 78159

Any business commenced but not completed by the mail and 78160  
fulfillment office by the date of transfer shall be completed by 78161  
the Department of Administrative Services, in the same manner, and 78162  
with the same effect, as if completed by the mail and fulfillment 78163  
office. No validation, cure, right, privilege, remedy, obligation, 78164  
or liability is lost or impaired by reason of the transfer and 78165  
shall be administered by the Department of Administrative 78166  
Services. All of the mail and fulfillment office's rules, orders, 78167  
and determinations continue in effect as rules, orders, and 78168  
determinations of the Department of Administrative Services, until 78169  
modified or rescinded by the Department of Administrative 78170  
Services. If necessary to ensure the integrity of the 78171  
Administrative Code rule numbering system, the Director of the 78172  
Legislative Service Commission shall renumber the mail and 78173  
fulfillment office's rules to reflect their transfer to the 78174  
Department of Administrative Services. 78175

Employees of the Department of Job and Family Services 78176  
designated as staff in the mail and fulfillment office shall be 78177  
transferred to the Department of Administrative Services. Subject 78178  
to the layoff provisions of sections 124.321 to 124.328 of the 78179  
Revised Code, and to provisions of the contract between the state 78180  
and all bargaining units affected, the employees transferred to 78181  
the Department of Administrative Services retain their positions 78182

and all benefits accruing thereto. 78183

No judicial or administrative action or proceeding to which 78184  
the mail and fulfillment office is a party that is pending on July 78185  
1, 2007, or such later date as may be established by the Director 78186  
of Job and Family Services and the Director of Administrative 78187  
Services, is affected by the transfer of functions. The action or 78188  
proceeding shall be prosecuted or defended in the name of the 78189  
Director of Administrative Services. On application to the court 78190  
or agency, the Director of Administrative Services shall be 78191  
substituted for the Director of Job and Family Services as a party 78192  
to the action or proceeding. 78193

On and after July 1, 2007, notwithstanding any provision of 78194  
law to the contrary, the Director of Budget and Management shall 78195  
take the actions with respect to budget changes made necessary by 78196  
the transfer, including administrative reorganization, program 78197  
transfers, the creation of new funds, and the consolidation of 78198  
funds as authorized by this section. The Director of Budget and 78199  
Management may cancel encumbrances and re-establish encumbrances 78200  
or parts of encumbrances as needed in fiscal year 2008 in the 78201  
appropriate fund and appropriation item for the same purpose and 78202  
for payment to the same vendor. The Director of Budget and 78203  
Management, as determined necessary, may re-establish encumbrances 78204  
in fiscal year 2008 in a different fund or appropriation item in 78205  
an agency or between agencies. The re-established encumbrances are 78206  
hereby appropriated. The Director of Budget and Management shall 78207  
reduce each year's appropriation balances by the amount of the 78208  
encumbrance canceled in their respective funds and appropriation 78209  
items. 78210

The Director of Job and Family Services and the Director of 78211  
Administrative Services shall enter into an interagency agreement 78212  
establishing terms and timetables for the implementation of this 78213  
section. The interagency agreement shall include provisions for 78214

credits to the Department of Job and Family Services for prepaid 78215  
postage, agreements for the credit, transfer, or reimbursement of 78216  
funds to the Department of Job and Family Services to comply with 78217  
terms and conditions applicable to federal funds expended by the 78218  
department for the purchase, maintenance, and operation of 78219  
equipment, agreements for ongoing operations in compliance with 78220  
federal requirements applicable to Department of Job and Family 78221  
Services programs that utilize the mail and fulfillment services, 78222  
transfer of or sharing of lease agreements, and any other 78223  
agreements that the Director of Job and Family Services and the 78224  
Director of Administrative Services determine to be necessary for 78225  
the successful implementation of this section. 78226

Not later than sixty days after the transfer of the mail and 78227  
fulfillment office to the Department of Administrative Services, 78228  
the Director of Job and Family Services shall certify to the 78229  
Director of Budget and Management the amount of any unexpended 78230  
balance of appropriations made to the department to support the 78231  
office. Upon receipt of the certification, the Director of Budget 78232  
and Management shall transfer the appropriations and cash to Fund 78233  
210, State Printing Fund. 78234

**Section 518.01. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT 78235**  
**AGREEMENT FUND TO THE GENERAL REVENUE FUND 78236**

Notwithstanding any law to the contrary, on July 1, 2007, or 78237  
as soon as possible thereafter, and before any other transfers 78238  
from the Tobacco Master Settlement Agreement Fund (Fund 087) are 78239  
made, the Director of Budget and Management shall transfer 78240  
\$9,984,248 to the General Revenue Fund from the Tobacco Master 78241  
Settlement Agreement Fund (Fund 087). 78242

**Section 518.02. EXCESS TOBACCO SECURITIZATION PROCEEDS 78243**

Any proceeds from securitization of the Tobacco Master 78244

Settlement Agreement, after all expenses of the securitization 78245  
have been accounted for, in excess of \$5,000,000,000 shall be 78246  
deposited in the School Building Program Assistance Fund (Fund 78247  
032) established in section 3318.25 of the Revised Code. 78248

**Section 518.03.** BUDGET ADJUSTMENTS TO REFLECT TOBACCO 78249  
SECURITIZATION 78250

(A) Notwithstanding any other provision of law to the 78251  
contrary, the Director of Budget and Management, periodically on 78252  
any date following the issuance of the tobacco obligations 78253  
authorized in section 183.51 of the Revised Code and through June 78254  
30, 2009, shall: 78255

(1) Determine the amount of appropriation items 235-909, 78256  
Higher Education General Obligation Debt Service, and 230-908, 78257  
Common Schools General Obligation Debt Service, that are in excess 78258  
of the amounts needed to pay all debt service and financing costs 78259  
on those obligations payable from each of those items and transfer 78260  
all or any portion of that excess appropriation to appropriation 78261  
item 200-901, Property Tax Allocation-Education, or 110-901, 78262  
Property Tax Allocation-Taxation, or both together as needed for 78263  
the purposes of making the state's property tax relief payments to 78264  
school districts and counties. 78265

(2) Determine the amount by which interest earnings credited 78266  
to Fund 034, Higher Education Improvement Fund, and Fund 032, 78267  
School Building Program Assistance Fund, from the investment of 78268  
the net proceeds of those tobacco obligations exceed the amount 78269  
needed to satisfy appropriations from those funds, transfer all or 78270  
part of that excess cash balance to the General Revenue Fund, and 78271  
increase appropriation item 200-901, Property Tax 78272  
Allocation-Education, or 110-901, Property Tax 78273  
Allocation-Taxation, or both together, by up to the amount of cash 78274  
so transferred to the General Revenue Fund. 78275

(3) Determine the amount of capital appropriations in 78276  
CAP-770, School Building Assistance Program, and transfers of cash 78277  
to Fund 5E3, School Facilities Commission, that are necessary to 78278  
fully expend the amount of net proceeds deposited into Fund 032, 78279  
School Building Program Assistance Fund, from the issuance of 78280  
those tobacco obligations, and increase the appropriations for 78281  
CAP-770 and appropriation item 230-644, Operating Expenses-School 78282  
Facilities Commission, by the necessary amounts. 78283

(4) Determine the amount of additional capital 78284  
appropriations, if any necessary to fully expend the amount of net 78285  
proceeds deposited from the issuance of those tobacco obligations 78286  
into Fund 034, Higher Education Improvement Fund. 78287

(5) Reduce by up to \$800,000,000 the amount of authorization 78288  
to issue and sell general obligations to pay the costs of capital 78289  
facilities for a system of common schools throughout the state 78290  
granted to the Ohio Public Facilities Commission by prior acts of 78291  
the General Assembly. This reduction reflects the utilization of 78292  
the net proceeds of those tobacco obligations in place of general 78293  
obligation bond proceeds to support capital appropriations payable 78294  
from Fund 032, School Building Assistance Fund. 78295

(6) Reduce by up to \$950,000,000 the amount of authorization 78296  
to issue and sell general obligations to pay the costs of capital 78297  
facilities for state-supported and state-assisted institutions of 78298  
higher education granted to the Ohio Public Facilities Commission 78299  
by prior acts of the General Assembly. This reduction reflects the 78300  
utilization of the net proceeds of those tobacco obligations in 78301  
place of general obligation bond proceeds to support capital 78302  
appropriations payable from Fund 034, Higher Education Improvement 78303  
Fund. 78304

(B) Before the Office of Budget and Management transfers or 78305  
increases or decreases any appropriations or authorizations 78306  
described in division (A) of this section, the Office of Budget 78307

and Management shall seek Controlling Board approval. 78308

**Section 518.06.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 78309

Certain appropriations are in this act for the purpose of 78310  
paying debt service and financing costs on general obligation 78311  
bonds or notes of the state issued pursuant to the Ohio 78312  
Constitution and acts of the General Assembly. If it is determined 78313  
that additional appropriations are necessary for this purpose, 78314  
such amounts are hereby appropriated. 78315

**Section 518.09.** LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 78316  
STATE 78317

Certain appropriations are in this act for the purpose of 78318  
making lease rental payments pursuant to leases and agreements 78319  
relating to bonds or notes issued by the Ohio Building Authority 78320  
or the Treasurer of State or, previously, by the Ohio Public 78321  
Facilities Commission, pursuant to the Ohio Constitution and acts 78322  
of the General Assembly. If it is determined that additional 78323  
appropriations are necessary for this purpose, such amounts are 78324  
hereby appropriated. 78325

**Section 518.12.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 78326  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 78327

The Office of Budget and Management shall initiate and 78328  
process disbursements from general obligation and lease rental 78329  
payment appropriation items during the period from July 1, 2007, 78330  
to June 30, 2009, relating to bonds or notes issued under Sections 78331  
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 78332  
Constitution, and Chapters 151. and 154. of the Revised Code. 78333  
Disbursements shall be made upon certification by the Treasurer of 78334  
State, Office of the Sinking Fund, of the dates and the amounts 78335  
due on those dates. 78336



**Section 521.03.** STATE AND LOCAL REBATE AUTHORIZATION 78337

There is hereby appropriated, from those funds designated by 78338  
or pursuant to the applicable proceedings authorizing the issuance 78339  
of state obligations, amounts computed at the time to represent 78340  
the portion of investment income to be rebated or amounts in lieu 78341  
of or in addition to any rebate amount to be paid to the federal 78342  
government in order to maintain the exclusion from gross income 78343  
for federal income tax purposes of interest on those state 78344  
obligations under section 148(f) of the Internal Revenue Code. 78345

Rebate payments shall be approved and vouchered by the Office 78346  
of Budget and Management. 78347

**Section 521.06.** STATEWIDE INDIRECT COST RECOVERY 78348

Whenever the Director of Budget and Management determines 78349  
that an appropriation made to a state agency from a fund of the 78350  
state is insufficient to provide for the recovery of statewide 78351  
indirect costs under section 126.12 of the Revised Code, the 78352  
amount required for such purpose is hereby appropriated from the 78353  
available receipts of such fund. 78354

**Section 521.07.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 78355  
INDIRECT COST ALLOCATION PLAN 78356

The total transfers made from the General Revenue Fund by the 78357  
Director of Budget and Management under this section shall not 78358  
exceed the amounts transferred into the General Revenue Fund under 78359  
division (B) of section 126.12 of the Revised Code. 78360

The director of an agency may certify to the Director of 78361  
Budget and Management the amount of expenses not allowed to be 78362  
included in the Statewide Indirect Cost Allocation Plan under 78363  
federal regulations, from any fund included in the Statewide 78364  
Indirect Cost Allocation Plan, prepared as required by section 78365

126.12 of the Revised Code. 78366

Upon determining that no alternative source of funding is 78367  
available to pay for such expenses, the Director of Budget and 78368  
Management may transfer from the General Revenue Fund into the 78369  
fund for which the certification is made, up to the amount of the 78370  
certification. The director of the agency receiving such funds 78371  
shall include, as part of the next budget submission prepared 78372  
under section 126.02 of the Revised Code, a request for funding 78373  
for such activities from an alternative source such that further 78374  
federal disallowances would not be required. 78375

**Section 521.09. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 78376

Notwithstanding any provision of law to the contrary, on or 78377  
before the first day of September of each fiscal year, the 78378  
Director of Budget and Management, in order to reduce the payment 78379  
of adjustments to the federal government, as determined by the 78380  
plan prepared under division (A) of section 126.12 of the Revised 78381  
Code, may designate such funds as the director considers necessary 78382  
to retain their own interest earnings. 78383

**Section 521.12. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 78384

Pursuant to the plan for compliance with the Federal Cash 78385  
Management Improvement Act required by section 131.36 of the 78386  
Revised Code, the Director of Budget and Management may cancel and 78387  
re-establish all or part of encumbrances in like amounts within 78388  
the funds identified by the plan. The amounts necessary to 78389  
re-establish all or part of encumbrances are hereby appropriated. 78390

**\*Section 603.05.** That Sections 203.50, 209.10, 227.10, and 78391  
555.08 of Am. Sub. H.B. 67 of the 127th General Assembly be 78392  
amended to read as follows: 78393

**Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES** 78394

Of the foregoing appropriation item 772-421, Highway 78395  
Construction - State, \$5,000,000 shall be used in each fiscal year 78396  
during the fiscal year 2008-2009 biennium by the Department of 78397  
Transportation for the construction, reconstruction, or 78398  
maintenance of public access roads, including support features, to 78399  
and within state facilities owned or operated by the Department of 78400  
Natural Resources. 78401

Notwithstanding section 5511.06 of the Revised Code, of the 78402  
foregoing appropriation item 772-421, Highway Construction - 78403  
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 78404  
biennium shall be used by the Department of Transportation for the 78405  
construction, reconstruction, or maintenance of park drives or 78406  
park roads within the boundaries of metropolitan parks. 78407

Included in the foregoing appropriation item 772-421, Highway 78408  
Construction - State, the department may perform related road work 78409  
on behalf of the Ohio Expositions Commission at the state 78410  
fairgrounds, including reconstruction or maintenance of public 78411  
access roads and support features, to and within fairground 78412  
facilities as requested by the commission and approved by the 78413  
Director of Transportation. 78414

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 78415

Of the foregoing appropriation item 779-491, 78416  
Administration-State, \$4,000,000 in fiscal year 2008, shall be 78417  
used by the Department of Transportation to make grants available 78418  
for state highway improvements at public school entrances under 78419  
the following conditions: 78420

(A) The school is receiving assistance from the Ohio School 78421  
Facilities Commission for the renovation or construction of new 78422  
school facilities. 78423

(B) The state highway improvements are to be made at 78424  
entrances within school zones. 78425

Grant awards shall be limited to \$500,000 per school 78426  
district, and are contingent on local government officials or the 78427  
participating school district, or both, matching 25 per cent of 78428  
the improvement cost. 78429

LIQUIDATION OF UNFORESEEN LIABILITIES 78430

Any appropriation made to the Department of Transportation, 78431  
 Highway Operating Fund, not otherwise restricted by law, is 78432  
 available to liquidate unforeseen liabilities arising from 78433  
 contractual agreements of prior years when the prior year 78434  
 encumbrance is insufficient. 78435

**Sec. 209.10. ENFORCEMENT** 78436

State Highway Safety Fund Group 78437

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 78438

036 764-321 Operating Expense - \$ 253,967,276 \$ 267,539,597 78439

Highway Patrol

036 764-605 Motor Carrier \$ 3,061,817 \$ 3,340,468 78440

Enforcement Expenses

83C 764-630 Contraband, \$ 622,894 \$ 622,894 78441

Forfeiture, Other

83F 764-657 Law Enforcement \$ 7,945,555 \$ 8,275,898 78442

Automated Data System

83G 764-633 OMVI \$ 650,000 \$ 650,000 78443

Enforcement/Education

83J 764-693 Highway Patrol Justice \$ 2,100,000 \$ 2,100,000 78444

Contraband

83T 764-694 Highway Patrol \$ 21,000 \$ 21,000 78445

Treasury Contraband

831 764-610 Patrol - Federal \$ 2,455,484 \$ 2,455,484 78446

831 764-659	Transportation	\$	5,665,690	\$	6,132,592	78447
	Enforcement - Federal					
831 769-631	Homeland Security -	\$	1,500,000	\$	1,552,500	78448
	Federal					
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959	78449
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000	78450
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283	78451
840 764-617	Security and	\$	6,231,916	\$	6,155,385	78452
	Investigations					
840 764-626	State Fairgrounds	\$	788,375	\$	788,375	78453
	Police Force					
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807	78454
	Operating					
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	78455
	Highway Patrol					
TOTAL HSF State Highway Safety						78456
Fund Group		\$	301,977,111	\$	317,338,641	78457
General Services Fund Group						78458
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149	78459
TOTAL GSF General Services						78460
Fund Group		\$	335,862	\$	389,149	78461
TOTAL ALL BUDGET FUND GROUPS -						78462
Enforcement		\$	302,312,973	\$	317,727,790	78463
COLLECTIVE BARGAINING INCREASES						78464
Notwithstanding division (D) of section 127.14 and division						78465
(B) of section 131.35 of the Revised Code, except for the General						78466
Revenue Fund, the Controlling Board may, upon the request of						78467
either the Director of Budget and Management, or the Department of						78468
Public Safety with the approval of the Director of Budget and						78469
Management, increase appropriations for any fund, as necessary for						78470
the Department of Public Safety, to assist in paying the costs of						78471
increases in employee compensation that have occurred pursuant to						78472

collective bargaining agreements under Chapter 4117. of the 78473  
Revised Code and, for exempt employees, under section 124.152 of 78474  
the Revised Code. 78475

TRAFFIC SAFETY OPERATING FUND 78476

On July 1, 2007, or as soon thereafter as possible, the 78477  
Director of Budget and Management shall transfer the cash balance 78478  
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 78479  
Safety Fund (Fund 036). The Director of Budget and Management 78480  
shall cancel any existing encumbrances against appropriation item 78481  
764-688, Traffic Safety Operating, and re-establish them against 78482  
appropriation item 764-321, Operating Expense - Highway Patrol. 78483  
The amounts of the re-established encumbrances are hereby 78484  
appropriated. Upon completion of these transfers, the Traffic 78485  
Safety Operating Fund (Fund 5AY) is hereby abolished. 78486

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 78487

Effective July 1, 2007, the Treasurer of State, prior to 78488  
making any of the distributions listed in sections 5735.23, 78489  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 78490  
at least the first \$1,250,000 and up to \$1,600,000 received each 78491  
month to the credit of the State Highway Safety Fund (Fund 036) 78492  
pursuant to a schedule determined by the Director of Budget and 78493  
Management. 78494

**Sec. 227.10.** DEV DEPARTMENT OF DEVELOPMENT 78495

State Special Revenue Fund Group 78496  
4W0 195-629 Roadwork Development \$ 18,699,900 \$ 18,699,900 78497  
TOTAL SSR State Special Revenue 78498  
Fund Group \$ 18,699,900 \$ 18,699,900 78499  
TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 78500

ROADWORK DEVELOPMENT FUND 78501

The Roadwork Development Fund shall be used for road 78502

improvements associated with economic development opportunities 78503  
that will retain or attract businesses for Ohio. "Road 78504  
improvements" are improvements to public roadway facilities 78505  
located on, or serving or capable of serving, a project site. 78506

The Department of Transportation, under the direction of the 78507  
Department of Development, shall provide these funds in accordance 78508  
with all guidelines and requirements established for Department of 78509  
Development appropriation item 195-412, Business Development, 78510  
including Controlling Board review and approval as well as the 78511  
requirements for usage of gas tax revenue prescribed in Section 5a 78512  
of Article XII, Ohio Constitution. Should the Department of 78513  
Development require the assistance of the Department of 78514  
Transportation to bring a project to completion, the Department of 78515  
Transportation shall use its authority under Title LV of the 78516  
Revised Code to provide such assistance and enter into contracts 78517  
on behalf of the Department of Development. In addition, these 78518  
funds may be used in conjunction with appropriation item 195-412, 78519  
Business Development, or any other state funds appropriated for 78520  
infrastructure improvements. 78521

The Director of Budget and Management, pursuant to a plan 78522  
submitted by the Department of Development or as otherwise 78523  
determined by the Director of Budget and Management, shall set a 78524  
cash transfer schedule to meet the cash needs of the Department of 78525  
Development's Roadwork Development Fund (Fund 4W0), less any other 78526  
available cash. The Director shall transfer to the Roadwork 78527  
Development Fund from the Highway Operating Fund (Fund 002), 78528  
established in section 5735.291 of the Revised Code, such amounts 78529  
at such times as determined by the transfer schedule. 78530

Of the foregoing appropriation item 195-629, Roadwork 78531  
Development, \$1,000,000 over the fiscal year 2008-2009 biennium 78532  
shall be used for improvements to the State Route 33 Avery 78533  
Muirfield Interchange. 78534

TRANSPORTATION IMPROVEMENT DISTRICTS 78535

Notwithstanding section 5540.151 of the Revised Code, of the 78536  
foregoing appropriation item 195-629, Roadwork Development, 78537  
\$250,000 in each fiscal year of the biennium shall be granted by 78538  
the Director of Development to each of the transportation 78539  
improvement districts of Butler, Clermont, Hamilton, Lorain, 78540  
Medina, Montgomery, Muskingum, and Stark counties and to the 78541  
Rossford Transportation Improvement District in Wood County. Any 78542  
grant made under this paragraph is not subject to the restrictions 78543  
of appropriation item 195-629, Roadwork Development. 78544

**Sec. 555.08.** The Department of Transportation shall construct 78545  
the major new construction projects selected by the Transportation 78546  
Review Advisory Council on December 20, 2006, as Tier I projects 78547  
for construction in fiscal years 2007 through 2013 and shall not 78548  
undertake other major new construction projects until construction 78549  
of such selected Tier I projects has commenced in accordance with 78550  
the December 20, 2006, recommendations. However, nothing in this 78551  
section shall require the Department of Transportation to 78552  
undertake the major new Tier I construction projects selected by 78553  
the Transportation Review Advisory Council on December 20, 2006, 78554  
ahead of projects selected as Tier I projects prior to that date; 78555  
the Department may continue with such previously selected Tier I 78556  
projects in accordance with the prior recommendations. The 78557  
Transportation Review Advisory Council may recommend additional 78558  
major new projects in accordance with the policies promulgated by 78559  
the Council, but new Tier I projects shall not be given priority 78560  
over Tier I projects recommended on December 20, 2006. 78561

**\*Section 603.06.** That existing Sections 203.50, 209.10, 78562  
227.10, and 555.08 of Am. Sub. H.B. 67 of the 127th General 78563  
Assembly are hereby repealed. 78564



Section 605.05. That Section 252.70 of Am. Sub. H.B. 530 of 78565  
the 126th General Assembly be amended to read as follows: 78566

Reappropriations

<b>Sec. 252.70. OSU OHIO STATE UNIVERSITY</b>			78567
CAP-074	Basic Renovations	\$ 19,255,664	78568
CAP-149	Basic Renovations - Regional Campuses	\$ 2,083,163	78569
CAP-198	Brown Hall Annex Replacement	\$ 6,213	78570
CAP-254	Basic Renovations - ATI	\$ 127,444	78571
CAP-255	Supplemental Renovations - OARDC	\$ 2,826,343	78572
CAP-256	Supplemental Renovations - Regional	\$ 191,955	78573
CAP-258	Dreese Lab Addition	\$ 12,340	78574
CAP-261	Bioscience/Parks Hall Addition	\$ 12,584	78575
CAP-269	Greenhouse Modernization	\$ 40,982	78576
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$ 15,344	78577
CAP-292	Life Sciences Research Building	\$ 202,898	78578
CAP-302	Food Science & Technology Building	\$ 89,990	78579
CAP-306	Heart & Lung Institute	\$ 32,437	78580
CAP-311	Superconducting Radiation	\$ 65,094	78581
CAP-313	Brain Tumor Research Center	\$ 6,001	78582
CAP-314	Engineering Center Net Shape Manufacturing	\$ 20,730	78583
CAP-315	Membrane Protein Typology	\$ 8,835	78584
CAP-316	Instructional and Data Processing Equipment	\$ 198,844	78585
CAP-321	Fine Particle Technologies	\$ 157,936	78586
CAP-323	Advanced Plasma Engineering	\$ 22,379	78587
CAP-324	Plasma Ramparts	\$ 1,150	78588
CAP-326	IN-SITU AL-BE Composites	\$ 1,733	78589
CAP-335	Jay Cooke Residence - Roof and Windows	\$ 86,668	78590
CAP-347	Asbestos Abatement	\$ 5,325	78591

CAP-349	Materials Network	\$	91,983	78592
CAP-350	Bio-Technology Consortium	\$	42,378	78593
CAP-352	Analytical Electron Microscope	\$	375,000	78594
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	78595
CAP-357	Supplemental Renovations - ATI	\$	33,969	78596
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	78597
CAP-362	McPherson Lab Rehabilitation	\$	10,278	78598
CAP-368	Heart and Lung Institute	\$	101,808	78599
CAP-374	ADA Modifications	\$	178,870	78600
CAP-375	ADA Modifications - ATI	\$	41,936	78601
CAP-376	ADA Modifications - Lima	\$	95,538	78602
CAP-377	ADA Modifications - Mansfield	\$	15,253	78603
CAP-387	Titanium Alloys	\$	54,912	78604
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	78605
CAP-398	Advanced Manufacturing	\$	38,579	78606
CAP-399	Manufacturing Processes/Materials	\$	62,574	78607
CAP-401	Terhertz Studies	\$	35,294	78608
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	78609
CAP-413	Pomerene Lighting/Wiring	\$	249,584	78610
CAP-419	NMR Consortium	\$	75,116	78611
CAP-420	Versatile Film Facility	\$	62,872	78612
CAP-421	OCARNET	\$	5,916	78613
CAP-422	Bioprocessing Research	\$	1,905	78614
CAP-423	Localized Corrosion Research	\$	6,128	78615
CAP-424	ATM Testbed	\$	3,633	78616
CAP-425	Physical Sciences Building	\$	27,748	78617
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	78618
CAP-431	Sisson Hall Replacement	\$	5,571	78619
CAP-436	Machinery Acoustics	\$	3,804	78620
CAP-439	Sensors and Measurements	\$	15,115	78621
CAP-440	Polymer Magnets	\$	1,099	78622

CAP-458	Al Alloy Corrosion	\$	14,292	78623
CAP-484	Page Hall Planning	\$	7,210	78624
CAP-485	Botany & Zoology Building Planning	\$	207,932	78625
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	78626
CAP-487	Robinson Laboratory Planning	\$	149,100	78627
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	78628
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	78629
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	78630
CAP-492	OARDC Feed Mill	\$	5,598,644	78631
CAP-499	Biological Sciences Cooling Tower	\$	6,930	78632
CAP-509	Mount Hall HVAC Modifications	\$	40,982	78633
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	78634
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	78635
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	78636
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	78637
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	78638
CAP-534	Main Library Rehabilitation	\$	9,320,846	78639
CAP-535	Psychology Building	\$	2,128,529	78640
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	78641
CAP-539	Nanosecond Infrared Measurement	\$	2,588	78642
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	78643
CAP-552	X-Ray Powder Diffractometer	\$	558	78644
CAP-554	Deconvolution Microscope	\$	1,101	78645
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	78646
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	78647
CAP-565	Ion Mass Spectrometry	\$	6,594	78648
CAP-568	Role of Molecular Interfaces	\$	17,554	78649

CAP-572	New Millimeter Spectrometer	\$	714	78650
CAP-574	Noncredit Job Training - Marion	\$	2,933	78651
CAP-576	1224 Kinnear Road - Bale	\$	11,722	78652
CAP-577	Non-Silicon Micromachining	\$	73,991	78653
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	78654
CAP-586	Electroscience Lab Renovation	\$	5,853	78655
CAP-587	OARDC Boiler Replacement	\$	622,757	78656
CAP-590	Supercomputer Center Expansion	\$	6,804,275	78657
CAP-596	Information Literacy	\$	135,574	78658
CAP-597	Online Business Major	\$	5,768	78659
CAP-599	Renovation of Graves Hall	\$	68,196	78660
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	78661
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	78662
CAP-608	Dual Beam Characterization	\$	150,000	78663
CAP-616	Environmental Technology Consortium	\$	11,297	78664
CAP-617	Campbell, University, and Evans Hall	\$	87,439	78665
CAP-620	School of Music - Planning	\$	1,500	78666
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	78667
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	78668
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	78669
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	78670
CAP-628	Wood County Center for Agriculture	\$	1,000,000	78671
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	78672
CAP-631	Health Psychology	\$	250,000	78673
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	78674
CAP-633	Networking and Communication	\$	500,000	78675
CAP-634	Planetary Gear	\$	125,000	78676
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	78677

CAP-636	Precision Navigation	\$	85,000	78678
CAP-637	Welding & Metal Working	\$	200,000	78679
CAP-638	Spin Driven Electronics	\$	6,436	78680
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	78681
CAP-641	Accelerated Metals	\$	1,020,331	78682
CAP-642	Mathematical Biosciences Institute	\$	54,863	78683
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	78684
CAP-647	Molecular Microdevices	\$	14,033	78685
CAP-648	Research Center HVAC System Improvements	\$	17,088	78686
CAP-649	Infrared Absorption Measurements	\$	2,899	78687
CAP-650	Dark Fiber	\$	3,983,440	78688
CAP-651	Shared Data Backup System	\$	20,922	78689
CAP-653	Third Frontier Network Testbed	\$	280,564	78690
CAP-654	Distributed Learning Workshop	\$	270,000	78691
CAP-656	Accelerated Maturation of Materials	\$	209,702	78692
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	78693
CAP-658	Hydrogen Production and Storage	\$	32,396	78694
CAP-659	Ohio Organic Semiconductor	\$	367,587	78695
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	78696
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	78697
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	78698
CAP-669	McCracken Power Plant Spill Control	\$	268,508	78699
CAP-670	Glacial Assessment	\$	22,764	78700
CAP-672	Chemical Vapor Deposition	\$	13,500	78701
CAP-674	Parks Hall Chiller Replacement	\$	135,360	78702
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	78703
CAP-676	Computational Nanotechnology	\$	500,000	78704
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	78705
CAP-678	Center For Materials Design	\$	1,037	78706
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	78707
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	78708

CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	78709
CAP-684	Ohio Commons For Digital Education	\$	118,924	78710
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	78711
CAP-686	NonCredit Job Education & Training	\$	21,104	78712
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	78713
CAP-688	Bricker Hall Roof Replacement	\$	23,123	78714
CAP-694	Neuroscience Center Core	\$	193,991	78715
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	78716
CAP-697	930 Kinnear Road Renovations	\$	773,303	78717
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	78718
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	78719
CAP-700	Coe Corrosion Coop	\$	58,750	78720
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	78721
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	78722
CAP-704	Warner Library and Student Center	\$	1,789,324	78723
CAP-705	Hopewell Hall Science Suite	\$	508,408	78724
CAP-706	Atomic Force Microscopy	\$	180,000	78725
CAP-707	Interactive Applications	\$	463,018	78726
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	78727
CAP-714	Health Psychology	\$	150,000	78728
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	78729
CAP-717	Center for Materials Design	\$	602,615	78730
CAP-718	Specialized Planetary Gears	\$	150,000	78731
CAP-719	OSU Agricultural Building	\$	1,500,000	78732
CAP-720	Automated Afm System	\$	180,000	78733
CAP-721	Integrated Wireless Communication	\$	141,000	78734
Total Ohio State University		\$	105,955,671	78735
BASIC RENOVATIONS				78736
The amount reappropriated for the foregoing appropriation				78737
item CAP-074, Basic Renovations, is the sum of the unencumbered				78738

and unallotted balance as of June 30, 2006, in appropriation item 78739  
CAP-074, Basic Renovations, plus \$6,927. 78740

OARDC THORNE & GOURLEY HALL 78741

The amount reappropriated for the foregoing appropriation 78742  
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 78743

WOOD COUNTY CENTER FOR AGRICULTURE 78744

Of the foregoing appropriation item CAP-628, Wood County 78745  
Center for Agriculture, up to \$300,000 shall be used for building 78746  
renovations to the OSU Extension Office/Ag Business Enhancement 78747  
Center. 78748

The remainder of appropriation item CAP-628, Wood County 78749  
Center for Agriculture, shall be used for an alternative energy 78750  
generation project at the East Gypsy Lane Complex in Wood County 78751  
or an agricultural energy facility recommended by the Wood County 78752  
commissioners. 78753

**Section 605.06.** That existing Section 252.70 of Am. Sub. H.B. 78754  
530 of the 126th General Assembly is hereby repealed. 78755

**Section 605.11.** That Section 235.30 of Am. Sub. H.B. 530 of 78756  
the 126th General Assembly, as amended by Sub. H.B. 251 of the 78757  
126th General Assembly, be amended to read as follows: 78758

Reappropriations

<b>Sec. 235.30.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			78759
CAP-809 Hazardous Substance Abatement	\$	1,609,476	78760
CAP-811 Health/EPA Laboratory Facilities	\$	1,116,354	78761
CAP-822 Americans with Disabilities Act	\$	1,598,416	78762
CAP-826 Office Services Building Renovation	\$	86,483	78763
CAP-827 Statewide Communications System	\$	16,943,803	78764
CAP-834 Capital Project Management System	\$	1,157,600	78765

CAP-835	Energy Conservation Projects	\$	4,490,085	78766
CAP-837	Major Computer Purchases	\$	1,476,068	78767
CAP-838	SOCC Renovations	\$	1,399,122	78768
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	78769
CAP-849	Facility Planning and Development	\$	3,492,200	78770
CAP-850	Education Building Renovations	\$	14,649	78771
CAP-852	North High Building Complex Renovations	\$	11,534,496	78772
CAP-855	Office Space Planning	\$	5,274,502	78773
CAP-856	Governor's Residence Security Update	\$	6,433	78774
CAP-859	eSecure Ohio	\$	2,626,921	78775
CAP-860	Structured Cabling	\$	403,518	78776
CAP-864	eGovernment Infrastructure	\$	1,297,400	78777
CAP-865	DAS Building Security	\$	140,852	78778
CAP-866	OH*1 Network	\$	4,000,000	78779
CAP-867	Lausche Building Connector	\$	1,307,200	78780
CAP-868	Riversouth Development	\$	18,500,000	78781
Total Department of Administrative Services		\$	78,533,078	78782

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 78783

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 78784  
78785  
78786

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the Department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or 78787  
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other toxic materials removal through existing capital and 78797  
operating appropriations shall notify the Director of 78798  
Administrative Services of the nature and scope prior to 78799  
commencing the project. 78800

Only agencies that have received appropriations for capital 78801  
projects from the Administrative Building Fund (Fund 026) are 78802  
eligible to receive funding from this item. Public school 78803  
districts are not eligible. 78804

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 78805

The foregoing appropriation item CAP-822, Americans with 78806  
Disabilities Act, shall be used to renovate state-owned facilities 78807  
to provide access for physically disabled persons in accordance 78808  
with Title II of the Americans with Disabilities Act. 78809

Prior to the release of funds for renovation, state agencies 78810  
shall perform self-evaluations of state-owned facilities 78811  
identifying barriers to access to service. State agencies shall 78812  
prioritize access barriers and develop a transition plan for the 78813  
removal of these barriers. The Department of Administrative 78814  
Services shall review proposals from state agencies to use these 78815  
funds for Americans with Disabilities Act renovations. 78816

Only agencies that have received appropriations for capital 78817  
projects from the Administrative Building Fund (Fund 026) are 78818  
eligible to receive funding from this item. Public school 78819  
districts are not eligible. 78820

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 78821

~~There is hereby continued a Multi Agency Radio Communications 78822  
System (MARCS) Steering Committee consisting of the designees of 78823  
the Directors of the Office of Information Technology, Public 78824  
Safety, Natural Resources, Transportation, Rehabilitation and 78825  
Correction, and Budget and Management. The Director of the Office 78826  
of Information Technology or the Director's designee shall chair 78827~~

~~the Committee. The Committee shall provide assistance to the 78828  
Director of the Office of Information Technology for effective and 78829  
efficient implementation of the MARCS system as well as develop 78830  
policies for the ongoing management of the system. Upon dates 78831  
prescribed by the Directors of the Office of Information 78832  
Technology and Budget and Management, the MARCS Steering Committee 78833  
shall report to the Directors on the progress of MARCS 78834  
implementation and the development of policies related to the 78835  
system. 78836~~

The foregoing appropriation item CAP-827, Statewide 78837  
Communications System, shall be used to purchase or construct the 78838  
components of MARCS that are not specific to any one agency. The 78839  
equipment may include, but is not limited to, multi-agency 78840  
equipment at the Emergency Operations Center/Joint Dispatch 78841  
Facility, computer and telecommunication equipment used for the 78842  
functioning and integration of the system, communications towers, 78843  
tower sites, tower equipment, and linkages among towers and 78844  
between towers and the State of Ohio Network for Integrated 78845  
Communication (SONIC) system. ~~The Director of the Office of 78846  
Information Technology~~ State Chief Information Officer shall, with 78847  
the concurrence of the MARCS Steering Committee, determine the 78848  
specific use of funds. 78849

The amount reappropriated for the foregoing appropriation 78850  
item CAP-827, Statewide Communications System, is the unencumbered 78851  
and unallotted balance as of June 30, 2006, in appropriation item 78852  
CAP-827, Statewide Communications System, plus \$623,665.11. 78853

Spending from this appropriation item shall not be subject to 78854  
Chapters 123. and 153. of the Revised Code. 78855

ENERGY CONSERVATION PROJECTS 78856

The foregoing appropriation item CAP-835, Energy Conservation 78857  
Projects, shall be used to perform energy conservation 78858

renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

The amount reappropriated for the foregoing appropriation item CAP-835, Energy Conservation Projects, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-835, Energy Conservation Projects, plus \$3,600,000.

NORTH HIGH BUILDING COMPLEX RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-852, North High Building Complex Renovations, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-852, North High Building Complex Renovations, plus the sum of the unencumbered and unallotted balance for appropriation item CAP-813, Heer Building Renovation as of June 30, 2006.

**Section 605.12.** That existing Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Sub. H.B. 251 of the 126th General Assembly is hereby repealed.

**Section 605.17.** That Sections 227.10, 235.10.50, 235.50.80, and 329.10 of Am. Sub. H.B. 699 of the 126th General Assembly be amended to read as follows:

**Sec. 227.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit

of the Cultural and Sports Facilities Building Fund (Fund 030), 78888  
 that are not otherwise appropriated. 78889

Appropriations

AFC CULTURAL FACILITIES COMMISSION 78890

CAP-734	Hayes Center Renov & Repairs	\$	300,000	78891
CAP-745	Renovations and Repairs	\$	850,000	78892
CAP-763	Historic Site Signage	\$	250,000	78893
CAP-770	Serpent Mound Improvements	\$	340,000	78894
CAP-781	Information Technology Project	\$	364,000	78895
CAP-784	Center Rehabilitation	\$	1,035,000	78896
CAP-803	Digitization of Collections	\$	300,000	78897
CAP-809	Exhibit Replace/Orientation	\$	415,000	78898
CAP-910	Collections Facility Planning	\$	1,240,000	78899
CAP-911	W.P. Snyder Restoration	\$	876,000	78900
CAP-912	Lockington Locks Restoration	\$	172,000	78901
CAP-913	Huntington Park	\$	7,000,000	78902
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	78903
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	78904
CAP-917	Marina District Amphitheatre	\$	2,900,000	78905
CAP-918	Cincinnati Museum Center	\$	2,000,000	78906
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	78907
CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	78908
CAP-921	Pro Football Hall of Fame	\$	1,650,000	78909
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	78910
CAP-923	Western Reserve Historical Society	\$	1,000,000	78911
CAP-925	COSI Columbus	\$	1,000,000	78912
CAP-926	Columbus Museum of Art	\$	1,000,000	78913
CAP-927	Mason ATP Tennis Center	\$	1,300,000	78914
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	78915
CAP-929	Akron Art Museum	\$	1,000,000	78916
CAP-930	Sauder Village	\$	830,000	78917

CAP-931	Horvitz Center for the Arts	\$	750,000	78918
CAP-932	Ensemble Theatre	\$	750,000	78919
CAP-933	Voice of America Museum	\$	750,000	78920
CAP-934	Cleveland Steamship Mather	\$	600,000	78921
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	78922
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	78923
CAP-937	Art Academy of Cincinnati	\$	500,000	78924
CAP-938	Great Lakes Historical Society	\$	500,000	78925
CAP-939	McKinley Museum	\$	425,000	78926
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	78927
CAP-942	Davis Shai Historical Facility	\$	300,000	78928
CAP-943	Massillon Museum	\$	275,000	78929
CAP-944	The Mandel Center	\$	250,000	78930
CAP-945	Worthington Arts Center	\$	250,000	78931
CAP-946	CCAD	\$	250,000	78932
CAP-947	BalletMet	\$	250,000	78933
CAP-948	Stambaugh Hall Improvements	\$	250,000	78934
CAP-949	Youngstown Symphony Orchestra	\$	250,000	78935
CAP-950	Wood County Historical Center & Museum	\$	220,000	78936
CAP-951	Harding Memorial	\$	210,000	78937
CAP-952	Cincinnati Ballet	\$	200,000	78938
CAP-953	City of Avon Stadium Complex	\$	200,000	78939
CAP-954	Renaissance Performing Arts Center	\$	200,000	78940
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	78941
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	78942
CAP-958	Maumee Valley Historical Society	\$	150,000	78943
CAP-959	Trumbull County Historical Society	\$	150,000	78944
CAP-960	First Lunar Flight Project	\$	25,000	78945
CAP-961	Holmes County Historical Society	\$	140,000	78946

Improvements				
CAP-962	Canal Winchester Historical Society	\$	125,000	78947
CAP-963	Ukrainian Museum	\$	100,000	78948
CAP-964	Gordon Square Arts District	\$	100,000	78949
CAP-965	Moreland Theatre Renovation	\$	100,000	78950
CAP-966	Karamu House	\$	100,000	78951
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	78952
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	78953
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	78954
CAP-970	Gallia County French Art Colony	\$	100,000	78955
CAP-971	The Octagon House	\$	100,000	78956
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	78957
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	78958
CAP-974	Paul Brown Museum	\$	75,000	78959
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	78960
CAP-976	Van Wert Historical Society	\$	70,000	78961
CAP-977	Indian Mill Renovations	\$	66,000	78962
CAP-978	Hale Farm & Village	\$	50,000	78963
CAP-979	Howe House Historic Site	\$	50,000	78964
CAP-980	Beavercreek Community Theatre	\$	50,000	78965
CAP-981	Jamestown Opera House	\$	50,000	78966
CAP-982	Johnny Appleseed Museum	\$	50,000	78967
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	78968
CAP-984	Woodward Opera House	\$	50,000	78969
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	78970
CAP-986	Applecreek Historical Society	\$	50,000	78971
CAP-987	Wyandot Historic Building Renovation	\$	50,000	78972
CAP-988	Galion Historic Big Four Depot	\$	30,000	78973

	Restoration			
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	78974
CAP-990	Myers Historical Stagecoach Inn	\$	25,000	78975
	Renovation			
CAP-991	Arts West Performing Arts Center	\$	25,000	78976
CAP-992	Chester Academy Historic Building	\$	25,000	78977
CAP-993	Portland Civil War Museum and Historic	\$	25,000	78978
	Displays			
CAP-994	Morgan County Historic Opera House	\$	25,000	78979
CAP-996	Crawford Antique Museum	\$	9,000	78980
CAP-997	Monroe City Historical Society Building	\$	5,000	78981
	Repairs			
CAP-998	Wright-Dunbar Historical	\$	250,000	78982
<del>CAP-041</del>	<del>Cleveland Playhouse</del>	<del>\$</del>	<del>200,000</del>	78983
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	78984
CAP-082	Music Hall Garage	\$	1,000,000	78985
CAP-083	AB Graham Center	\$	40,000	78986
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	78987
CAP-085	WACO Aircraft Museum	\$	30,000	78988
CAP-086	Fort Recovery Renovations	\$	100,000	78989
CAP-087	Columbus Children's Hospital Amphitheater	\$	1,000,000	78990
	Total Cultural Facilities Commission	\$	<del>55,296,000</del>	78991
			<u>55,096,000</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	<del>55,296,000</del>	78992
			<u>55,096,000</u>	

**Sec. 235.10.50.** THIRD FRONTIER WRIGHT CAPITAL 78994

Notwithstanding sections 151.01 and 151.04 of the Revised 78995  
Code, of the foregoing appropriation item CAP-068, Third Frontier 78996  
Wright Capital, up to \$11,400,000 in fiscal year 2008 shall be 78997  
used by the Office of Information Technology, in partnership with 78998  
the Ohio Supercomputer Center's OSCnet, to acquire the equipment 78999  
and services necessary to migrate state agencies' network to the 79000

existing OSCnet network backbone. This state network shall be 79001  
known as the NextGen Network. 79002

The remainder of foregoing appropriation item CAP-068, Third 79003  
Frontier Wright Capital, shall be used to acquire, renovate, or 79004  
construct facilities and purchase equipment for research programs, 79005  
technology development, product development, and commercialization 79006  
programs at or involving state-supported and state-assisted 79007  
institutions of higher education. The funds shall be used to make 79008  
grants awarded on a competitive basis, and shall be administered 79009  
by the Third Frontier Commission. Expenditure of these funds shall 79010  
comply with Section 2n of Article VIII, Ohio Constitution, and 79011  
sections 151.01 and 151.04 of the Revised Code for the period 79012  
beginning July 1, 2006, and ending June 30, 2008. 79013

The Third Frontier Commission shall develop guidelines 79014  
relative to the application for and selection of projects funded 79015  
from appropriation item CAP-068, Third Frontier Wright Capital. 79016  
The Commission may develop these guidelines in consultation with 79017  
other interested parties. The Board of Regents and all 79018  
state-assisted and state-supported institutions of higher 79019  
education shall take all actions necessary to implement grants 79020  
awarded by the Third Frontier Commission. 79021

The foregoing appropriation item CAP-068, Third Frontier 79022  
Wright Capital, for which an appropriation is made from the Higher 79023  
Education Improvement Fund (Fund 034), is determined to consist of 79024  
capital improvements and capital facilities for state-supported 79025  
and state-assisted institutions of higher education, and is 79026  
designated for the capital facilities to which proceeds of 79027  
obligations in the Higher Education Improvement Fund (Fund 034) 79028  
are to be applied. 79029

Appropriations

**Sec. 235.50.80.** STC STARK TECHNICAL COLLEGE 79030



CAP-004	Basic Renovations	\$	277,804	79031
CAP-039	Health & Science Building	\$	5,097,338	79032
Total Stark Technical College		\$	5,375,142	79033
Total Board of Regents and				79034
Institutions of Higher Education		\$	<del>578,636,534</del>	79035
			<u>578,836,534</u>	
TOTAL Higher Education Improvement Fund		\$	<del>579,946,534</del>	79036
			<u>580,146,534</u>	

**Sec. 329.10.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 79038

The Ohio Administrative Knowledge System (OAKS) shall be an 79039  
enterprise resource planning system that replaces the state's 79040  
central services infrastructure systems, including the Central 79041  
Accounting System, the Human Resources/Payroll System, the Capital 79042  
Improvements Projects Tracking System, the Fixed Assets Management 79043  
System, and the Procurement System. The ~~Department of~~ 79044  
~~Administrative Services, in conjunction with the Office of Budget~~ 79045  
~~and Management, Office of Information Technology~~ may acquire the 79046  
system, including, but not limited to, the enterprise resource 79047  
planning software and installation and implementation thereof 79048  
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 79049  
arrangement utilized under Chapter 125. of the Revised Code, 79050  
including any fractionalized interest therein as defined in 79051  
division (N) of section 133.01 of the Revised Code, shall provide 79052  
at the end of the lease period that OAKS shall become the property 79053  
of the state. 79054

**Section 605.18.** That existing Sections 227.10, 235.10.50, 79055  
235.50.80, and 329.10 of Am. Sub. H.B. 699 of the 126th General 79056  
Assembly are hereby repealed. 79057

**Section 605.20.** That Section 235.20.20 of Am. Sub. H.B. 699 79058  
of the 126th General Assembly, as subsequently amended by Am. Sub. 79059

H.B. 67 of the 127th General Assembly, be amended to read as 79060  
follows: 79061

Appropriations

<b>Sec. 235.20.20.</b>	CLS CLEVELAND STATE UNIVERSITY		79062
CAP-023	Basic Renovations	\$ 3,796,031	79063
CAP-125	College of Education	\$ 10,115,719	79064
CAP-148	Cleveland Institute of Art	\$ 1,000,000	79065
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$ 200,000</u>	79066
CAP-163	Anthropology Department	\$ 400,000	79067
	Renovations/Relocation		
CAP-164	Chester Building Annex Demolition	\$ 921,583	79068
CAP-165	Bakers Building Renovations	\$ 1,328,583	79069
CAP-167	Cleveland State University Windtower	\$ 400,000	79070
	Generator Project		
CAP-168	Kenston Wind Turbine Project in Geauga	\$ 300,000	79071
	(CSU Engineering Department)		
Total Cleveland State University		\$ <del>18,261,916</del>	79072
		<u>18,461,916</u>	

**Section 605.21.** That existing Section 235.20.20 of Am. Sub. 79074  
H.B. 699 of the 126th General Assembly, as subsequently amended by 79075  
Am. Sub. H.B. 67 of the 127th General Assembly, is hereby 79076  
repealed. 79077

**Section 605.23.** That Section 203.20 of Sub. S.B. 321 of the 79078  
126th General Assembly be amended to read as follows: 79079

**Sec. 203.20.** AGO ATTORNEY GENERAL 79080  
Tobacco Master Settlement Agreement Fund Group 79081  
J87 055-635 Law Enforcement \$ 620,000 \$ ~~+~~ 3,350,000 79082  
Technology, Training,  
and Facility

	Enhancements				
U87 055-402	Tobacco Settlement	\$	673,797	\$	723,797
	Oversight,				
	Administration, and				
	Enforcement				
TOTAL TSF Tobacco Master Settlement		\$	1,293,797	\$	<del>723,797</del>
Agreement Fund Group					<u>4,073,797</u>
TOTAL ALL BUDGET FUND GROUPS		\$	1,293,797	\$	<del>723,797</del>
					<u>4,073,797</u>

**Section 605.24.** That existing Section 203.20 of Sub S.B. 321 79088  
of the 126th General Assembly is hereby repealed. 79089

**Section 621.05.** That Section 153 of Am. Sub. H.B. 117 of the 79090  
121st General Assembly, as most recently amended by Am. Sub. H.B. 79091  
66 of the 126th General Assembly, be amended to read as follows: 79092

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 79093  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 79094  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 79095  
repealed, effective October 16, ~~2007~~ 2009. 79096

(B) Any money remaining in the Legislative Budget Services 79097  
Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of 79098  
the Revised Code is repealed by division (A) of this section, 79099  
shall be used solely for the purposes stated in then former 79100  
section 5112.19 of the Revised Code. When all money in the 79101  
Legislative Budget Services Fund has been spent after then former 79102  
section 5112.19 of the Revised Code is repealed under division (A) 79103  
of this section, the fund shall cease to exist. 79104

**Section 621.06.** That existing Section 153 of Am. Sub. H.B. 79105  
117 of the 121st General Assembly, as most recently amended by Am. 79106  
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 79107

**Section 631.04.** That Section 3 of Am. Sub. H.B. 694 of the 126th General Assembly is hereby repealed.

**Section 631.05.** The amendments to sections 3517.13 and 3517.992 of the Revised Code by Am. Sub. H.B. 694 of the 126th General Assembly shall apply only to contributions made on or after January 1, 2007.

**Section 631.06.** The provisions of sections 631.04 and 631.05 of this act clarify the General Assembly's original intent in enacting Am. Sub. H.B. 694 of the 126th General Assembly, are remedial in nature, and apply to contracts awarded on or after the effective date of that act.

**Section 701.10.** Not later than thirty days after the effective date of this section, the Director of Development shall convene a task force composed of experts from the economic development community, local governments, and consultants involved in the site selection and negotiation process to study the economic development incentives that are available to local governments, regional groups, and the state. Not later than January 1, 2008, the Director shall submit a written report to the Speaker of the House of Representatives and the President of the Senate on the findings of the task force and make recommendations for changes to Ohio's local, regional, and state economic development incentives so that those incentives are more effective in strengthening Ohio's economy and are less complex, faster to implement, and more transparent to the taxpayers of Ohio.

**Section 703.10.** The Governor's Office of Faith-Based and Community Initiatives, with the assistance of the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives, shall conduct a study of the feasibility and advisability of the

Office becoming a private nonprofit entity rather than a part of 79137  
the Governor's office. The study and any resulting recommendations 79138  
shall be submitted, not later than July 1, 2008, to the Governor, 79139  
the Speaker of the House of Representatives, the President of the 79140  
Senate, and the Minority Leaders of the House of Representatives 79141  
and the Senate. 79142

**Section 706.03.** (A) As used in this section, "appointing 79143  
authority" has the same meaning as in section 124.01 of the 79144  
Revised Code, and "exempt employee" has the same meaning as in 79145  
section 124.152 of the Revised Code. 79146

(B) Notwithstanding section 124.181 of the Revised Code, both 79147  
of the following apply: 79148

(1) In cases where no vacancy exists, an appointing authority 79149  
may, with the written consent of an exempt employee, assign duties 79150  
of a higher classification to that exempt employee for a period of 79151  
time not to exceed two years, and that exempt employee shall 79152  
receive compensation at a rate commensurate with the duties of the 79153  
higher classification. 79154

(2) If necessary, exempt employees who are assigned to duties 79155  
within their agency to maintain operations during the Ohio 79156  
Administrative Knowledge System (OAKS) implementation may agree to 79157  
a temporary assignment that exceeds the two-year limit. 79158

**Section 737.10.** Notwithstanding any provision of law to the 79159  
contrary, on January 1, 2008, the terms of office of the members 79160  
of the Sewage Treatment System Technical Advisory Committee 79161  
created in section 3718.03 of the Revised Code whose terms expire 79162  
in 2008 and in 2009 shall terminate. The appointing authorities 79163  
specified in divisions (A)(1), (2), and (3) of that section as 79164  
amended by this act, the Governor, the President of the Senate, 79165  
and the Speaker of the House of Representatives, shall appoint new 79166

members to the Committee in accordance with that section to 79167  
replace the members whose terms are terminated. However, members 79168  
appointed to replace the members whose terms were to expire in 79169  
2009 shall be appointed for a term of four years instead of three 79170  
years as required by section 3718.03 of the Revised Code. Members 79171  
whose terms expire on January 1, 2008, by the operation of this 79172  
section may be reappointed by the Governor, President of the 79173  
Senate, or Speaker of the House of Representatives in accordance 79174  
with this section and section 3718.03 of the Revised Code. 79175

**Section 737.11.** (A) There is hereby created the Household 79176  
Sewage and Small Flow On-Site Sewage Treatment System Study 79177  
Commission consisting of the following members: 79178

(1) A representative of the Department of Health appointed by 79179  
the Director of Health; 79180

(2) A representative of the Environmental Protection Agency 79181  
appointed by the Director of Environmental Protection; 79182

(3) A representative of the Department of Natural Resources 79183  
appointed by the Director of Natural Resources; 79184

(4) Five members appointed by the Association of Ohio Health 79185  
Commissioners, one of whom shall be from the northwest region of 79186  
the state, one of whom shall be from the northeast region of the 79187  
state, one of whom shall be from the southwest region of the 79188  
state, one of whom shall be from the southeast region of the 79189  
state, and one of whom shall be from the central region of the 79190  
state. In making the appointments, special consideration shall be 79191  
given to a county in which at least twenty-five per cent of the 79192  
parcels of land are serviced by sewage treatment systems. 79193

(5) One member appointed by the Association of Ohio 79194  
Pedologists; 79195

(6) One member appointed by the County Commissioners 79196

Association of Ohio;	79197
(7) One member appointed by the County Engineers Association of Ohio;	79198 79199
(8) One member appointed by the Ohio Association of Realtors;	79200
(9) One member appointed by the Ohio Environmental Council;	79201
(10) One member appointed by the Ohio Environmental Health Association;	79202 79203
(11) One member appointed by the Ohio Home Builders Association;	79204 79205
(12) One member appointed by the Ohio Manufactured Housing Association;	79206 79207
(13) One member appointed by the Ohio Onsite Wastewater Association;	79208 79209
(14) One member appointed by the Ohio Precast Concrete Association;	79210 79211
(15) One member appointed by the Ohio Public Health Association;	79212 79213
(16) One member appointed by the Ohio State University Extension;	79214 79215
(17) One member appointed by the Ohio Township Association;	79216
(18) One member appointed by the Ohio Waste Haulers Association;	79217 79218
(19) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party;	79219 79220 79221
(20) Three members of the Senate appointed by the President of the Senate, two from the majority party and one from the minority party;	79222 79223 79224

(21) One member appointed by the Ohio Farm Bureau Federation; 79225

(22) One member appointed by the Ohio Farmers Union. 79226

(B) All appointments shall be made to the Commission not 79227  
later than thirty days after the effective date of this section. 79228  
One member of the Senate and one member of the House of 79229  
Representatives jointly designated by the President of the Senate 79230  
and the Speaker of the House of Representatives shall serve as 79231  
co-chairpersons of the Commission. The Commission shall hold its 79232  
first meeting not later than sixty days after the effective date 79233  
of this section and shall hold regular meetings as necessary after 79234  
the initial meeting. 79235

(C) The Commission shall study issues concerning household 79236  
sewage treatment systems and small flow on-site sewage treatment 79237  
systems and shall recommend appropriate legislation to the General 79238  
Assembly establishing reasonable standards for the siting, design, 79239  
installation, operation, monitoring, maintenance, and abandonment 79240  
of household sewage treatment systems and small flow on-site 79241  
sewage treatment systems for the purpose of preventing public 79242  
health nuisances. In making recommendations regarding such 79243  
standards, the Commission shall consider the economic impact of 79244  
those standards on property owners, the state of technology 79245  
currently utilized in household sewage treatment systems and small 79246  
flow on-site sewage treatment systems, and the nature and 79247  
economics of available alternatives to that technology. The 79248  
Commission also shall explore and establish recommendations 79249  
regarding funding sources for and mechanisms for providing 79250  
assistance to homeowners for paying the cost of compliance with 79251  
the new proposed standards. 79252

(D) Not later than December 1, 2008, the Commission shall 79253  
submit a report of its findings and recommendations to the 79254  
Governor, the President of the Senate, and the Speaker of the 79255  
House of Representatives. Upon the submission of the report, the 79256



Commission shall cease to exist. 79257

(E) As used in this section and Section 737.12 of this act, 79258  
"household sewage treatment system" and "small flow on-site sewage 79259  
treatment system" have the same meanings as in section 3718.01 of 79260  
the Revised Code. 79261

**Section 737.12.** (A) The Director of Health shall issue a 79262  
report to the Household Sewage and Small Flow On-Site Sewage 79263  
Treatment System Study Commission created in Section 737.11 of 79264  
this act that includes recommendations regarding standards for the 79265  
siting, design, installation, operation, monitoring, maintenance, 79266  
and abandonment of household sewage treatment systems and small 79267  
flow on-site sewage treatment systems. The recommendations shall 79268  
include information concerning the cost and state of technology 79269  
currently utilized in household sewage treatment systems and small 79270  
flow on-site sewage treatment systems and the nature and economics 79271  
of available alternatives to that technology. The Director shall 79272  
issue the report to the Commission not later than January 1, 2008. 79273

(B) The Director shall conduct a survey of boards of health 79274  
in this state concerning household sewage treatment system 79275  
operations and the failure rates of those systems. The Director 79276  
shall issue a report concerning the survey to the Household Sewage 79277  
and Small Flow On-Site Sewage Treatment System Study Commission 79278  
not later than June 1, 2008. Boards of health shall provide, in a 79279  
timely manner, any and all relevant information pertaining to the 79280  
household sewage treatment system program that is requested by the 79281  
Director under this division and that the Director determines to 79282  
be necessary for completion of the survey. 79283

**Section 737.20.** In enacting section 5.2235 of the Revised 79284  
Code, the members of the General Assembly call on the people of 79285  
this state to recognize the important role that a nutritious diet 79286

plays in their health and well-being. The members of the General 79287  
Assembly are aware that according to the United States Department 79288  
of Health and Human Services, dietary changes could reduce cancer 79289  
deaths in the United States by as much as thirty-five per cent. 79290  
Only twenty-five per cent of American adults eat the recommended 79291  
servings of fruits and vegetables each day. More than sixty per 79292  
cent of young Americans eat too much fat, and less than twenty per 79293  
cent eat the recommended servings of fruits and vegetables. The 79294  
members of the General Assembly thus encourage all the people of 79295  
this state to review both the United States Department of Health 79296  
and Human Services' "Dietary Guidelines for Americans" and the 79297  
United States Department of Agriculture's food pyramid 79298  
recommendations and to work toward developing a nutritious 79299  
lifestyle. 79300

**Section 737.21.** In enacting section 5.2235 of the Revised 79301  
Code, the members of the General Assembly also call on the people 79302  
of this state to make daily exercise a priority. The members of 79303  
the General Assembly are aware that according to the United States 79304  
Center for Disease Control and Prevention, twenty-six per cent of 79305  
all Ohioans report no leisure time or physical activity, and sixty 79306  
per cent of Ohioans are overweight or obese, which is the 79307  
thirteenth highest level in the United States. The members of the 79308  
General Assembly thus encourage individuals, community 79309  
organizations, local governments, and schools, when holding 79310  
celebrations, to include physical and athletic activities and to 79311  
work toward the goal of a state whose citizens are healthy, 79312  
active, and physically fit. 79313

**Section 737.30.** The amendment to section 3745.04 of the 79314  
Revised Code by this act applies to any action of the Director of 79315  
Environmental Protection that is the subject of an appeal to the 79316  
Environmental Review Appeals Commission that is already pending on 79317

the effective date of the amendment to that section by this act as 79318  
well as to actions appealed after the effective date of that 79319  
amendment. 79320

**Section 739.10.** Section 3905.36 of the Revised Code is 79321  
amended by this act for the purpose of clarifying the intent of 79322  
the 126th General Assembly when it amended division (B)(4) of 79323  
section 3905.36 of the Revised Code. Notwithstanding any provision 79324  
of section 3905.36 of the Revised Code to the contrary, all 79325  
agencies and departments of the state or any political subdivision 79326  
shall apply the legislative intent from this amendment as of 79327  
January 1, 2007. 79328

**Section 745.10.** (A) The enactment of section 4517.261 of the 79329  
Revised Code is intended as a clarification of existing law 79330  
allowing documentary service charges to be assessed in all retail 79331  
and wholesale sales and leases of motor vehicles, including those 79332  
involving a retail installment sale and those not involving a 79333  
retail installment sale, including leases, cash transactions, and 79334  
transactions in which consumers obtain their own financing. 79335

(B) The enactment of section 4517.261 of the Revised Code 79336  
expresses the legislative intent of the General Assembly currently 79337  
and at the time of the original enactment of the Revised Code by 79338  
recognizing that motor vehicle dealers may charge, and 79339  
historically have charged, a documentary service charge in all 79340  
transactions, including those involving a retail installment sale 79341  
and those not involving a retail installment sale, including 79342  
leases, cash transactions, and transactions in which consumers 79343  
obtain their own financing. 79344

**Section 747.10.** (A) There is hereby created the Nursing 79345  
Education Study Committee consisting of the following members: 79346

(1) Two members of the House of Representatives who are 79347

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;

(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;

(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;

(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;

(5) One member of the Ohio Nurses Association, to be appointed by the Ohio Nurses Association;

(6) One member of the Licensed Practical Nurse Association of Ohio, to be appointed by the Licensed Practical Nurse Association of Ohio;

(7) One member of the Ohio Board of Nursing, to be appointed by the Ohio Board of Nursing;

(8) One member of the Ohio Board of Regents, to be appointed by the Ohio Board of Regents;

(9) One member of the Ohio Hospital Association, to be appointed by the Ohio Hospital Association;

(10) One member of the Ohio Association of Community Health Agencies, to be appointed by the Ohio Association of Community Health Agencies;

(11) One nursing educator from an associate degree nursing program, to be appointed by the Speaker of the House of

Representatives;	79378
(12) One nursing educator from a baccalaureate degree nursing program, to be appointed by the Speaker of the House of Representatives;	79379 79380 79381
(13) One nursing educator from a graduate degree nursing program, to be appointed by the Speaker of the House of Representatives;	79382 79383 79384
(14) One nursing educator from a private university with a nursing education program, to be appointed by the President of the Senate;	79385 79386 79387
(15) One nursing educator from a state university with a nursing education program, to be appointed by the President of the Senate.	79388 79389 79390
(B) Appointments to the Committee shall be made not later than September 1, 2007. Members of the Committee shall serve without compensation.	79391 79392 79393
(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.	79394 79395 79396 79397 79398 79399
(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 faculty at Ohio's institutions of higher education and alternatives to clinical placement sites.	79400 79401 79402 79403 79404
(2) In conducting the study required under division (D)(1) of this section, the Committee shall consider, but is not limited to, all of the following:	79405 79406 79407

(a) Salary disparities for nursing faculty members as compared to faculty members in other disciplines and as compared to salaries for master's degree-prepared nurses in health care settings;	79408 79409 79410 79411
(b) The feasibility and financial implications of providing a refundable state income tax credit to nursing faculty members for a specified limited period of time;	79412 79413 79414
(c) The feasibility and financial implications of providing assistantships at a stipend level to nurses pursuing master's degrees or doctoral study who agree to become nursing faculty members in Ohio;	79415 79416 79417 79418
(d) The extent to which clinical simulation devices could be used to decrease the number of hours nursing students are required to spend providing care directly to patients in a clinical setting, including the portion of clinical hours that could be obtained in a clinical simulation laboratory;	79419 79420 79421 79422 79423
(e) The disparity in the number of clinical hours students are required to complete in Ohio nursing education programs;	79424 79425
(f) The extent to which nursing education programs are adequately preparing nurses to provide care in community or public health settings, particularly to the geriatric population;	79426 79427 79428
(g) Ways in which nurses may be more effectively utilized to train or educate health care workers providing care in community or public health settings.	79429 79430 79431
(3) Not later than December 31, 2008, the Committee shall prepare and submit a report to the General Assembly that focuses on the following topics and also includes a recommendation for a range of clinical hours nursing students shall be required to complete to assure adequate practice experience:	79432 79433 79434 79435 79436
(a) Strategies to produce more nursing faculty;	79437

(b) Ways to address the issue of insufficient clinical placement opportunities. 79438  
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Upon submission of the report, the Committee shall cease to exist. 79440  
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(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the Committee. 79442  
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**Section 749.10.** Consistent with divisions (A)(6) to (A)(8) of section 4927.02 of the Revised Code, the Public Utilities Commission shall establish a study mechanism to make recommendations for a competitively neutral telecommunications relay service funding program for costs incurred in calendar year 2009 and thereafter and submit the recommendations to the General Assembly by January 1, 2009. 79444  
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**Section 751.10.** The Director of Job and Family Services and the Director of Development jointly shall prepare a plan to utilize the funds the state receives to administer the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, to train workers within this state and jointly shall submit that plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives within one year after the effective date of this section. 79451  
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**Section 751.20.** The Department of Job and Family Services shall provide guidance to local workforce policy boards to encourage the broadest participation by training providers, including those providers who are proprietary schools, who demonstrate effectiveness in providing training opportunities to eligible Ohioans under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended. 79459  
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**Section 753.10.** The duties of an owner of residential rental 79466

property to comply with and of a county auditor to accept 79467  
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 79468  
5323.99 of the Revised Code in a county are tolled until the board 79469  
of county commissioners adopts a resolution under the first 79470  
paragraph of section 5323.011 of the Revised Code. 79471

**Section 753.20.** (A) The staff of the Legislative Service 79472  
Commission shall study the feasibility and potential results of 79473  
the state's offering incentives for local entities, including 79474  
municipal corporations, counties, townships, local historical 79475  
societies, and regional authorities, to assume control of state 79476  
historical sites. The incentives to be studied shall include the 79477  
establishment of tax credits, the contribution of capital dollars, 79478  
and the creation of an endowment-matching program. 79479

The study shall focus on the cost and funding aspects of the 79480  
incentives that are studied. In addition, the study shall attempt 79481  
to determine the potential results of providing each incentive at 79482  
varying levels. 79483

(B) Not later than six months after the effective date of 79484  
this section, the staff of the Commission shall report its 79485  
findings to the Commission. 79486

**Section 753.30.** (A) The Governor is hereby authorized to 79487  
execute a deed in the name of the state conveying to the City of 79488  
Columbus, and its successors and assigns, all of the state's 79489  
right, title, and interest in real estate consisting of 79490  
approximately 13 acres in Franklin Township of Franklin County, 79491  
being part of or near the former Training Institution Central 79492  
Ohio, together with any perpetual easements of access over certain 79493  
existing or future driveways, the real estate being more 79494  
particularly described as follows: 79495

Situated in the State of Ohio, County of Franklin, City of 79496



Columbus, Township 5 North, Range 23 West and in the Virginia Military District. Being a part of the State of Ohio original 300-acre tract of record in Deed Book 101, page 390 of the Recorder's Records, Franklin County, Ohio, and being more particularly described as follows:

Beginning, For Reference, at an iron pin with identification cap stamped "Patridge" found marking the intersection of the easterly line of the Wheatland Avenue 40-foot-wide Right-of-Way and the Northerly line of West Broad Street 80-foot-wide Right-of-Way;

thence North 5°12'48" West 2612.22 feet, in said easterly line of Wheatland Avenue and vacated Wheatland Avenue, to a 5/8-inch reinforcing rod found;

thence South 75°43'06" East 188.42 feet, to an iron pipe set marking the Place of Beginning of the tract herein described;

thence North 5°02'11" West 384.70 feet, to an iron pipe set;

thence North 67°03'42" East 118.78 feet, to an iron pipe set;

thence North 74°42'07" East 230.99 feet, to an iron pipe set;

thence North 79°39'53" East 191.19 feet, to a 5/8-inch reinforcing rod found marking the most easterly corner of the Gang of Four,

Ltd. 5.254-acre tract of record in Instrument Number

199902040029850 of said Recorder's Records, in a northerly line of

said 300-acre tract and a Point of Tangency in the original

southerly line of the Camp Chase Industrial Railroad Corporation

Tract of record in Official Record 28363 F03 of said Recorder's

Records;

thence North 86°38'37" East 383.75 feet, in a southerly line of

said Camp Chase Railroad tract and in a northerly line of said

300-acre tract, to an iron pipe set;

thence South 04°38'21" West 694.64 feet, to an iron pipe set;

thence South 75°43'06" East 174.01 feet, to an iron pipe set; 79527  
thence North 89°32'10" East 521.90 feet, to an iron pipe set; 79528  
thence South 85°04'20" East 161.72 feet, to an iron pipe set; 79529  
thence South 14°52'48" East 63.77 feet, to a spike set; 79530  
thence North 85°04'20" West 180.51 feet, to an iron pipe set; 79531  
thence South 89°32'10" West 526.84 feet, to an iron pipe set; 79532  
thence North 75°43'06" West 1005.86 feet, to the Place of 79533  
Beginning containing 12.997 acres, more or less. 79534  
  
This description is based on a field survey in April and May of 79535  
2007 by Gary L. Elswick, Professional Surveyor #6395. Iron pipes 79536  
set are ¾-inch ID galvanized pipe with identification cap stamped 79537  
"HOCKADEN". Bearings are assumed and for the determination of 79538  
angles only. 79539  
  
This description may be modified to a final form if 79540  
modifications are needed. 79541  
  
(B)(1) Consideration for the conveyance of the real estate is 79542  
the purchase price of \$194,955.00. 79543  
  
(2) The State may also require additional consideration for 79544  
any perpetual easement needed by the City of Columbus to access 79545  
the real estate. The consideration shall be a price mutually 79546  
agreed upon between the City of Columbus and the state. 79547  
  
(C)(1) The conveyance of the real estate is subject to the 79548  
following conditions and restrictions: 79549  
  
(a) The City of Columbus and its successors and assigns shall 79550  
receive written approval from the state to use or develop the real 79551  
estate for any purpose other than a police heliport or uses or 79552  
developments incident thereto. 79553  
  
(b) The City of Columbus shall, prior to selling, conveying, 79554  
or transferring ownership of the real estate, first offer the 79555

state the right to purchase the real estate at a price not less than fair market value as appraised by a disinterested party.

(2) The conveyance may be subject to conditions and restrictions that have been determined necessary by the Director of Administrative Services to assure there is no interference with state uses on state-owned real estate that adjoins the real estate conveyed.

(D) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions and restrictions. The deed shall be executed by the Governor in the name of the state, shall be countersigned by the Secretary of State, shall be sealed with the Great Seal of the State, shall be presented for recording in the Office of the Auditor of State, and shall be delivered to the City of Columbus. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

(E) The City of Columbus shall pay the costs of the conveyance.

(F) This section expires one year after its effective date.

**Section 753.40.** (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Celina the state's right of reverter retained in the conveyance authorized in Am. H.B. 823 of the 112th General Assembly in the following described real estate:

Being a parcel of land situated in the City of Celina, Jefferson Township, Mercer County, Ohio, and in the northwest quarter of Section 6, Township 6 South, Range 3 East, being more particularly described as follows:

Commencing at an iron pin with cap set at the most southern

point of lot number 6 of Dickman's Addition (Plat Book 2, Page 3) 79586  
in the City of Celina; 79587

thence N 68°42'59" W, 20.00 feet along the south line of said 79588  
Dickman's Addition to an iron pin with cap set as the Point of 79589  
Beginning; 79590

thence S 57°41'29" W, 210.06 feet to an iron pin with cap 79591  
set; 79592

thence N 46°02'00" W, 214.80 feet to an iron pin with cap 79593  
set; 79594

thence S 73°50'04" E, 102.64 feet along the south line of 79595  
said Dickman's Addition to an iron pin with cap set; 79596

thence N 75°48'13" E, 132.78 feet along the south line of 79597  
said Dickman's Addition to an iron pin with cap set; 79598

thence S 68°42'59" E, 112.51 feet along the south line of 79599  
said Dickman's Addition to the Point of Beginning, containing 79600  
0.535 acres of land more or less, subject to all valid easements 79601  
and right-of-way. 79602

All bearings were calculated from angles turned in an actual 79603  
field survey by Kent B. Marbaugh, Registered Surveyor #7421, dated 79604  
April 16, 2007, on file in the County Engineer's Office. 79605

The state retains its right of reverter for the remainder of 79606  
the real estate conveyed pursuant to that act. 79607

(B) Consideration for conveyance of the right of reverter is 79608  
the mutual benefit accruing to the state and to the City of Celina 79609  
from the reconfiguration of the entrance to the city park located 79610  
on the real estate conveyed in Am. H.B. 823 of the 112th General 79611  
Assembly. 79612

(C) The Auditor of State, with the assistance of the Attorney 79613  
General, shall prepare a deed to the real estate conveying the 79614  
right of reverter. The deed shall state the consideration. The 79615

deed shall be executed by the Governor in the name of the state, 79616  
countersigned by the Secretary of State, sealed with the great 79617  
seal of the state, presented in the office of the Auditor of State 79618  
for recording, and delivered to the City of Celina. The City of 79619  
Celina shall present the deed for recording in the office of the 79620  
Mercer County Recorder. 79621

(D) This section expires four years after its effective date. 79622

**\*Section 755.03.** The Director of Transportation may conduct a 79623  
twelve-month pilot project to be completed not later than June 30, 79624  
2009, for energy price risk management by entering into a contract 79625  
with a qualified provider of energy risk management services. The 79626  
contract may include rate analysis, negotiation services, market 79627  
and regulatory analysis, budget and financial analysis, and 79628  
mitigation strategies for volatile energy sources, including 79629  
natural gas, gasoline, oil, and diesel fuel, but shall not include 79630  
energy procurement and shall not subject more than thirty per cent 79631  
of the Department's annual energy needs to the risk management 79632  
services. The Director shall select the energy risk management 79633  
services provider through a qualifications-based selection 79634  
process, subject to Controlling Board approval. The contract shall 79635  
specify that the Department may share the analysis and services of 79636  
the energy risk management services provider with all state 79637  
agencies and operations. The Director may use revenues from the 79638  
state motor vehicle fuel tax or other funds appropriated by the 79639  
General Assembly for the pilot project to pay amounts due under 79640  
the contract and shall deposit any amounts received under the 79641  
contract into the Highway Operating Fund created under section 79642  
5735.291 of the Revised Code. 79643

**Section 757.01.** Every two years during biennial budget 79644  
deliberations, the Tax Commissioner shall review the percentage of 79645  
the total price of electricity that is indicated under division 79646

(C)(2) of section 5727.81 of the Revised Code, as amended by this 79647  
act. Such review shall include a consideration of the fluctuations 79648  
in the price of electricity that have occurred in the most recent 79649  
two fiscal years and other factors influencing the economy of the 79650  
state. 79651

**Section 757.03.** (A) Beginning in July 2007 and ending in 79652  
November 2007, on or before the seventh day of each month, the Tax 79653  
Commissioner shall determine and certify to the Director of Budget 79654  
and Management the amount to be credited from each tax source 79655  
under divisions (B), (C), and (D) of this section to the Local 79656  
Government Fund, the Library and Local Government Support Fund, 79657  
and the Local Government Revenue Assistance Fund. 79658

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 79659  
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 79660  
provision of law to the contrary, for each month in the period 79661  
beginning July 1, 2007, and ending November 30, 2007, tax revenues 79662  
credited to the Local Government Fund, the Library and Local 79663  
Government Support Fund, and the Local Government Revenue 79664  
Assistance Fund under those sections shall instead be credited as 79665  
follows: 79666

(1) An amount shall first be credited to the Local Government 79667  
Fund as prescribed under division (C) of this section; 79668

(2) An amount shall next be credited to the Local Government 79669  
Revenue Assistance Fund as prescribed under division (C) of this 79670  
section; 79671

(3) An amount shall next be credited to the Library and Local 79672  
Government Support Fund as prescribed under division (D) of this 79673  
section. 79674

(C) Receipts from the corporation franchise, sales and use, 79675  
public utility excise, kilowatt-hour, and personal income taxes 79676

shall be credited to the Local Government Fund and the Local Government Revenue Assistance Fund as follows:

(1) In July 2007, the amount that was credited in July 2006;

(2) In August 2007, the amount that was credited in August 2006;

(3) In September 2007, the amount that was credited in September 2006;

(4) In October 2007, the amount that was credited in October 2006;

(5) In November 2007, the amount that was credited in November 2006.

(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows:

(1) In July 2007, the amount that was credited in July 2006;

(2) In August 2007, the amount that was credited in August 2006;

(3) In September 2007, the amount that was credited in September 2006;

(4) In October 2007, the amount that was credited in October 2006;

(5) In November 2007, the amount that was credited in November 2006.

(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 79706  
accordingly. 79707

(2) To the extent the amounts required to be credited to the 79708  
Local Government Fund, the Library and Local Government Support 79709  
Fund, and the Local Government Revenue Assistance Fund under 79710  
divisions (C) and (D) of this section are less than the amounts 79711  
that otherwise would have been credited to those funds under 79712  
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 79713  
of the Revised Code, amounts required to be credited to the 79714  
General Revenue Fund under those sections shall be increased 79715  
accordingly. 79716

(F) The total amount credited each month under this section 79717  
to the Local Government Fund, the Library and Local Government 79718  
Support Fund, and the Local Government Revenue Assistance Fund 79719  
shall be distributed on or before the tenth day of the immediately 79720  
succeeding month as follows: 79721

(1) Each county undivided Local Government Fund shall receive 79722  
a distribution from the Local Government Fund that is based upon 79723  
its proportionate share of the total amount received by it from 79724  
the fund in the same month during the preceding calendar year. 79725

(2) Each municipal corporation receiving a direct 79726  
distribution from the Local Government Fund shall receive a 79727  
distribution that is based upon its proportionate share of the 79728  
total amount received by it from the fund in the same month during 79729  
the preceding calendar year. 79730

(3) Each county undivided Local Government Revenue Assistance 79731  
Fund shall receive a distribution from the Local Government 79732  
Revenue Assistance Fund that is based upon its proportionate share 79733  
of the total amount received by it from the fund in the same month 79734  
during the preceding calendar year. 79735

(4) Each county undivided Library and Local Government 79736



Support Fund shall receive a distribution from the Library and 79737  
Local Government Support Fund that is based upon its proportionate 79738  
share of the total amount received by it from the fund in the same 79739  
month during the preceding calendar year. 79740

(G) Distributions shall not be made in accordance with 79741  
sections 5747.47 and 5747.50 of the Revised Code until January 1, 79742  
2008. 79743

(H) Notwithstanding section 5747.47 of the Revised Code, the 79744  
Tax Commissioner is not required to issue the certification 79745  
required by that section to be made in December 2007 for calendar 79746  
year 2007. The Tax Commissioner may, as the Commissioner considers 79747  
appropriate, provide to each county auditor additional revised 79748  
estimates or other information relating to distributions in 2007, 79749  
2008, or 2009 at any time during the period beginning July 1, 79750  
2007, and ending June 30, 2009. 79751

(I)(1) Notwithstanding division (A) of section 131.51 of the 79752  
Revised Code, on or before January 5, 2008, the Director of Budget 79753  
and Management shall credit to the Local Government Fund an amount 79754  
equal to three and sixty-eight one-hundredths per cent of total 79755  
tax revenues credited to the General Revenue Fund during December 79756  
2007. In determining the total tax revenues credited to the 79757  
General Revenue Fund during that month, transfers made from the 79758  
General Revenue Fund during that month to the Local Government 79759  
Fund, the Local Government Revenue Assistance Fund, and the 79760  
Library and Local Government Support Fund shall be disregarded. 79761  
Moneys credited to the Local Government Fund under division (I)(1) 79762  
of this section shall be distributed in January 2008 in accordance 79763  
with section 5747.50 of the Revised Code. 79764

(2) Notwithstanding division (B) of section 131.51 of the 79765  
Revised Code, on or before January 5, 2008, the Director of Budget 79766  
and Management shall credit to the Library and Local Government 79767  
Support Fund an amount equal to two and twenty-two one-hundredths 79768

per cent of total tax revenues credited to the General Revenue Fund during December 2007. In determining the total tax revenues credited to the General Revenue Fund during that month, transfers made from the General Revenue Fund during that month to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund shall be disregarded. Moneys credited to the Library and Local Government Support Fund under division (I)(2) of this section shall be distributed in January 2008 in accordance with section 5747.47 of the Revised Code.

**Section 757.04.** Notwithstanding sections 5747.46 and 5747.47 of the Revised Code or any other provision of law to the contrary, a county's actual Library and Local Government Support Fund total entitlement for the 2007 distribution year shall equal the amount that was distributed to the county's Library and Local Government Support Fund from the Library and Local Government Support Fund during the 2007 calendar year. Each county's resulting calendar year 2007 Library and Local Government Support Fund entitlement shall be used by the Tax Commissioner for purposes of determining the guaranteed share of the Library and Local Government Support Fund in section 5747.46 of the Revised Code for the 2008 distribution year and shall be used by the Commissioner in making:

(A) The calendar year 2008 estimated entitlements of the Library and Local Government Support Fund required by section 5747.47 of the Revised Code to be certified to county auditors in July 2007, December 2007, and June 2008; and

(B) The calendar year 2008 actual Library and Local Government Support Fund entitlement computations required by section 5747.47 of the Revised Code to be certified to county auditors in December 2008.

**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. 79799  
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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. 79802  
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**Section 757.07.** For tax years 2007 and thereafter, telephone, telegraph, and interexchange telecommunications companies, as defined in section 5727.01 of the Revised Code, shall list taxable property at the percentage of true value required in Chapter 5711. of the Revised Code. For purposes of assigning taxable valuation to each taxing district for those years, the Tax Commissioner shall continue to use the apportionment provisions of Chapter 5727. of the Revised Code. However, such property shall be listed by the county auditor and certified to the county treasurer for collection under the provisions applicable to the general tax list of personal property and not upon the tax list and duplicate of real and public utility personal property. 79813  
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**Section 757.08.** Resolutions adopted by a board of township trustees of a limited home rule township pursuant to Chapter 504. and section 5709.73 of the Revised Code in December 2005 are hereby deemed to have had an immediate effective date if the board 79825  
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unanimously adopts a resolution so declaring. This section applies 79829  
to applications for exemption under section 5709.73 of the Revised 79830  
Code pending before the Tax Commissioner on the effective date of 79831  
this section and to such applications filed or refiled within 90 79832  
days after that effective date. 79833

**Section 757.10.** The Office of Information Technology, in 79834  
conjunction with the Department of Taxation, may acquire the State 79835  
Taxation Accounting and Revenue System (STARS) pursuant to Chapter 79836  
125. of the Revised Code, including, but not limited to, the 79837  
application software and installation and implementation thereof, 79838  
for the use of the Department of Taxation. STARS is an integrated 79839  
tax collection and audit system that will replace all of the 79840  
state's existing separate tax software and administration systems 79841  
for the various taxes collected by the state. Any lease-purchase 79842  
arrangement used under Chapter 125. of the Revised Code to acquire 79843  
STARS, including any fractionalized interests therein as defined 79844  
in division (N) of section 133.01 of the Revised Code, must 79845  
provide that at the end of the lease period, STARS becomes the 79846  
property of the state. 79847

**Section 757.20.** (A) As used in this section, "zoned 79848  
commercial or industrial area" means a nonagricultural area that 79849  
is reserved for business, commerce, or trade pursuant to local 79850  
zoning law or state law. 79851

(B) The board of directors of the Muskingum Watershed 79852  
Conservancy District shall prepare written notification of the 79853  
maintenance assessment to be levied by the District under section 79854  
6101.53 of the Revised Code that is scheduled to begin collection 79855  
in calendar year 2008. The notification shall include a statement 79856  
that the District intends to levy the maintenance assessment and 79857  
shall include, with respect to each person to whom notification is 79858  
required to be sent under division (C) of this section, an 79859

indication of the amount of the maintenance assessment that is 79860  
applicable to that person. 79861

(C) The board of directors of the Muskingum Watershed 79862  
Conservancy District shall cause to be sent by United States mail 79863  
the notification of the maintenance assessment that is required in 79864  
division (B) of this section to each person who owns property 79865  
within the territorial boundaries of the district that is located 79866  
within a zoned commercial or industrial area. The notification 79867  
shall be sent not later than one hundred twenty days prior to the 79868  
date on which the maintenance assessment is scheduled to begin 79869  
collection. 79870

**Section 803.03.** The amendment or enactment by this act of 79871  
sections 3119.022, 3119.023, 3119.05, 3119.29, 3119.30, 3119.302, 79872  
and 3119.32 of the Revised Code first applies on February 1, 2008, 79873  
or on the effective date of regulations defining "reasonable cost" 79874  
issued by the United States Secretary of Health and Human 79875  
Services, whichever is later. 79876

**Section 803.06.** The amendments by this act to sections 79877  
323.151, 323.152, 323.153, and 323.154 of the Revised Code are 79878  
first effective for tax year 2007, and the amendments to sections 79879  
4503.064, 4503.065, 4503.066, and 4503.067 of the Revised Code are 79880  
first effective for tax year 2008, and the following provisions 79881  
shall apply: 79882

(A) Notwithstanding the filing deadlines set forth in 79883  
sections 323.153 and 4503.066 of the Revised Code, original 79884  
applications requesting reductions pursuant to division (A) of 79885  
section 323.152 or section 4503.065 of the Revised Code may be 79886  
filed not later than October 1, 2007. Notwithstanding the 79887  
deadlines set forth in division (A) of section 323.153 of the 79888  
Revised Code for homesteads in a housing cooperative, not later 79889

than August 1, 2007, the nonprofit corporation that owns and 79890  
operates the housing cooperative shall obtain original 79891  
applications from the county auditor and provide one to each 79892  
occupant in the cooperative. Not later than September 1, 2007, any 79893  
occupant who may be eligible for the reduction in taxes under 79894  
division (A) of section 323.152 of the Revised Code shall submit 79895  
the completed application to the corporation. Not later than 79896  
October 1, 2007, the corporation shall file all completed 79897  
applications and the information required by division (B) of 79898  
section 323.159 of the Revised Code with the county auditor of the 79899  
county in which the occupants' homesteads are located. 79900

(B) Notwithstanding the deadlines set forth in sections 79901  
323.154 and 4503.067 of the Revised Code, if an application 79902  
requesting the reduction under division (A) of section 323.152 of 79903  
the Revised Code for tax year 2007 or under section 4503.065 of 79904  
the Revised Code for tax year 2008 is not approved or the county 79905  
auditor otherwise determines that the homestead does not qualify 79906  
for a reduction in taxes, the auditor's deadline to notify the 79907  
applicant of the reasons for such denial shall be extended to 79908  
November 1, 2007. 79909

**Section 803.07.** The amendment by this act of sections 5711.01 79910  
and 5727.06 of the Revised Code applies to telephone, telegraph, 79911  
or interexchange telecommunications companies, as defined in 79912  
section 5727.01 of the Revised Code, for tax year 2007 and 79913  
thereafter. 79914

**Section 803.09.** The amendment or enactment by this act of 79915  
section 4505.06, division (B)(23) of section 5739.02, and sections 79916  
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 79917  
sales described in division (A) of section 5739.029 of the Revised 79918  
Code on or after August 1, 2007. 79919

**Section 806.03.** The sections and items of law contained in 79920  
this act, and their applications, are severable. If any section or 79921  
item of law contained in this act, or if any application of any 79922  
section or item of law contained in this act, is held invalid, the 79923  
invalidity does not affect other sections or items of law 79924  
contained in this act and their applications that can be given 79925  
effect without the invalid section or item of law or application. 79926

**Section 809.03.** An item of law, other than an amending, 79927  
enacting, or repealing clause, that composes the whole or part of 79928  
an uncodified section contained in this act has no effect after 79929  
June 30, 2009, unless its context clearly indicates otherwise. 79930

**Section 812.03.** Except as otherwise specifically provided in 79931  
this act, the codified sections of law amended or enacted in this 79932  
act, and the items of law of which the codified sections of law 79933  
amended or enacted in this act are composed, are subject to the 79934  
referendum. Therefore, under Ohio Constitution, Article II, 79935  
Section 1c and section 1.471 of the Revised Code, the codified 79936  
sections of law amended or enacted by this act, and the items of 79937  
law of which the codified sections of law as amended or enacted by 79938  
this act are composed, take effect on the ninety-first day after 79939  
this act is filed with the Secretary of State. If, however, a 79940  
referendum petition is filed against any such codified section of 79941  
law as amended or enacted by this act, or against any item of law 79942  
of which any such codified section of law as amended or enacted by 79943  
this act is composed, the codified section of law as amended or 79944  
enacted, or item of law, unless rejected at the referendum, takes 79945  
effect at the earliest time permitted by law. 79946

**Section 812.06.** Except as otherwise specifically provided in 79947  
this act, the repeal by this act of a codified section of law is 79948  
subject to the referendum. Therefore, under Ohio Constitution, 79949

Article II, Section 1c and section 1.471 of the Revised Code, the 79950  
repeal by this act of a codified section of law takes effect on 79951  
the ninety-first day after this act is filed with the Secretary of 79952  
State. If, however, a referendum petition is filed against any 79953  
such repeal, the repeal, unless rejected at the referendum, takes 79954  
effect at the earliest time permitted by law. 79955

**Section 812.12.** Uncodified sections of law amended or enacted 79956  
in this act, and items of law contained within the uncodified 79957  
sections of law amended or enacted in this act, that are marked 79958  
with an asterisk are subject to the referendum. Therefore, under 79959  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 79960  
Revised Code, the uncodified sections and items of law marked with 79961  
an asterisk take effect on the ninety-first day after this act is 79962  
filed with the Secretary of State. If, however, a referendum 79963  
petition is filed against an uncodified section or item of law 79964  
marked with an asterisk, the uncodified section or item of law 79965  
marked with an asterisk, unless rejected at the referendum, takes 79966  
effect at the earliest time permitted by law. 79967

If the amending and existing repeal clauses commanding the 79968  
amendment of an uncodified section of law are both marked with 79969  
asterisks, the uncodified section as amended is deemed also to 79970  
have been marked with an asterisk. 79971

An asterisk marking an uncodified section or item of law has 79972  
the form\*. 79973

This section defines the meaning and form of, but is not 79974  
itself to be considered marked with, an asterisk. 79975

**Section 815.03.** The sections of law amended or enacted by 79976  
this act that are listed in this section, and the items of law of 79977  
which such sections as amended or enacted by this act are 79978  
composed, are not subject to the referendum. Therefore, under Ohio 79979



Constitution, Article II, Section 1d and section 1.471 of the 79980  
Revised Code, such sections as amended or enacted by this act, and 79981  
the items of law of which such sections as amended or enacted by 79982  
this act are composed, go into immediate effect when this act 79983  
becomes law. 79984

Sections 117.11, 117.112, 122.051, 122.071, 122.076, 122.17, 79985  
122.171, 122.174, 122.602, 124.152, 126.03, 126.24, 126.40, 79986  
173.35, 183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 79987  
183.52, 1503.05, 1713.031, 2305.2341, 2927.023, 3109.04, 3109.041, 79988  
3119.022, 3119.023, 3119.05, 3119.29, 3119.30, 3119.302, 3119.32, 79989  
3301.0711, 3313.615, 3313.98, 3314.015, 3314.016, 3314.02, 79990  
3314.074, 3314.08, 3314.087, 3314.088, 3314.19, 3317.01, 3317.012, 79991  
3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.021, 79992  
3317.022, 3317.023, 3317.024, 3317.025, 3317.029, 3317.0216, 79993  
3317.0217, 3317.03, 3317.04, 3317.05, 3317.052, 3317.063, 3317.08, 79994  
3317.16, 3317.20, 3317.201, 3318.12, 3333.36, 3333.38, 3333.55, 79995  
3333.60, 3333.61, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 79996  
3333.67, 3333.68, 3333.69, 3333.70, 3345.32, 3353.02, 3353.03, 79997  
3365.01, 3701.047, 3701.135, 3702.68 (3702.59), 3704.03, 3721.51, 79998  
3721.541, 3721.56, 3735.672, 4503.10, 4513.263, 4723.621, 4723.63, 79999  
4723.64, 4723.65, 4723.66, 4743.05, 4753.02, 4753.05, 4753.073, 80000  
4753.101, 4753.11, 4766.05, 4775.08, 5101.802, 5101.98, 5104.04, 80001  
5104.30, 5111.871, 5111.8814, 5112.341, 5123.01, 5123.033, 80002  
5123.045, 5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 80003  
5123.162, 5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 80004  
5123.168, 5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 80005  
5123.211, 5123.38, 5123.41, 5123.51, 5123.605, 5123.99, 5126.12, 80006  
5126.15, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 80007  
5126.47, 5709.68, 5711.01, 5727.06, 5727.86, 5747.47, 5747.50, 80008  
5747.501, 5747.51, 5747.54, 5751.21, 5907.15, 5907.16, and 80009  
6111.0381 of the Revised Code. 80010

**Section 815.06.** The repeal by this act of the sections of law 80011

listed in this section is not subject to the referendum. 80012  
Therefore, under Ohio Constitution, Article II, Section 1d and 80013  
section 1.471 of the Revised Code, the repeals go into immediate 80014  
effect when this act becomes law. 80015

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 80016  
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 80017  
5747.63 of the Revised Code. 80018

The version of section 3702.68 of the Revised Code that was 80019  
scheduled to take effect July 1, 2007. 80020

**Section 815.09.** The sections of law amended, enacted, or 80021  
repealed by this act that are listed in this section are not 80022  
subject to the referendum. Therefore, under Ohio Constitution, 80023  
Article II, Section 1d and section 1.471 of the Revised Code, the 80024  
sections as amended, enacted, or repealed, and the items of law of 80025  
which as amended or enacted they are composed, go into effect as 80026  
specified in this section. 80027

Sections 126.04, 127.16, 173.351, 173.401, 3718.03, 5101.27, 80028  
5101.272, 5111.872, 5111.89, 5111.891, 5111.894, 5123.046, 80029  
5123.047, 5123.048, 5123.049, 5123.0411, 5123.0416, 5126.054, 80030  
5126.056, 5126.059, 5126.0510, 5126.0512, and 5705.44 of the 80031  
Revised Code take effect July 1, 2007. 80032

Sections 340.03 and 5119.611 of the Revised Code take effect 80033  
July 1, 2007. 80034

Section 4301.43 of the Revised Code takes effect July 1, 80035  
2007. 80036

Sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of 80037  
the Revised Code take effect December 1, 2007. 80038

Sections 131.44, 131.51, 5705.29, 5725.24, 5739.032, 80039  
5739.122, 5739.124, 5741.121, and 5741.122 of the Revised Code 80040  
take effect January 1, 2008. 80041

**Section 815.12.** Except as otherwise specifically provided in 80042  
this act, the uncodified sections of law amended or enacted in 80043  
this act, and the items of law of which the uncodified sections of 80044  
law amended or enacted in this act are composed, are not subject 80045  
to the referendum. Therefore, under Ohio Constitution, Article II, 80046  
Section 1d and section 1.471 of the Revised Code, the uncodified 80047  
sections of law amended or enacted in this act, and the items of 80048  
law of which the uncodified sections of laws amended or enacted in 80049  
this act are composed, go into immediate effect when this act 80050  
becomes law. 80051

**Section 818.03.** The amendment or enactment by this act of the 80052  
sections of law listed in this section provides for or is 80053  
essential to implementation of a tax levy. Therefore, under Ohio 80054  
Constitution, Article II, Section 1d, the amendments and 80055  
enactments, and the items of which they are composed, are not 80056  
subject to the referendum and go into immediate effect when this 80057  
act becomes law. 80058

Sections 133.01, 305.31, 307.672, 319.202, 319.54, 322.01, 80059  
323.151, 323.152, 323.153, 323.154, 325.31, 333.02, 333.04, 80060  
4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 80061  
4505.06, 5705.214, 5733.39, 5739.02, 5739.029, 5739.033, 5739.09, 80062  
5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5745.02, 5745.05, 80063  
5745.13, 5747.01, 5748.01, 5748.02, 5748.021, 5748.022, and 80064  
5751.23 of the Revised Code. 80065

**Section 818.09.** The repeal by this act of section 5743.331 of 80066  
the Revised Code provides for or is essential to the 80067  
implementation of a tax levy. Therefore, under Ohio Constitution, 80068  
Article II, Section 1d, the repeal is not subject to the 80069  
referendum and goes into immediate effect when this act becomes 80070  
law. 80071

**Section 821.06.** (A) Except as otherwise provided in division 80072  
(B) of this section, the amendments by this act to section 3317.02 80073  
of the Revised Code are not subject to the referendum. Therefore, 80074  
under Ohio Constitution, Article II, Section 1d and section 1.471 80075  
of the Revised Code, the amendments go into immediate effect. 80076

(B) The amendment to section 3317.02 of the Revised Code that 80077  
substitutes the term "state education aid" for the term "SF-3 80078  
payment" is subject to the referendum. Therefore, under Ohio 80079  
Constitution, Article II, Section 1c and section 1.471 of the 80080  
Revised Code, the amendment takes effect on the ninety-first day 80081  
after this act is filed with the Secretary of State. If, however, 80082  
a referendum petition is filed against the amendment, the 80083  
amendment, unless rejected at the referendum, takes effect at the 80084  
earliest time permitted by law. 80085

**Section 821.09.** (A) Except as otherwise provided in division 80086  
(B) of this section, the amendments to section 5111.014 of the 80087  
Revised Code are subject to the referendum. Therefore, under Ohio 80088  
Constitution, Article II, Section 1c and section 1.471 of the 80089  
Revised Code, the amendments take effect January 1, 2008. If, 80090  
however, a referendum petition is filed against the amendments, 80091  
the amendments, unless rejected at the referendum, take effect at 80092  
the earliest time permitted by law that is on or after the 80093  
effective date specified in this division. 80094

(B) The amendments to division (A)(2) of section 5111.014 of 80095  
the Revised Code that strike through "The" and insert "Subject to 80096  
an executive order issued under section 5111.0120 of the Revised 80097  
Code, the" take effect on the ninety-first day after this act is 80098  
filed with the Secretary of State. If, however, a referendum 80099  
petition is filed against the amendments, the amendments, unless 80100  
rejected at the referendum, take effect at the earliest time 80101  
permitted by law. 80102

**Section 821.12.** (A) Except as otherwise provided in division 80103  
(B) of this section, the amendments by this act to section 5111.20 80104  
of the Revised Code are subject to the referendum. Therefore, 80105  
under Ohio Constitution, Article II, Section 1c and section 1.471 80106  
of the Revised Code, the amendments take effect on the 80107  
ninety-first day after this act is filed with the Secretary of 80108  
State. If, however, a referendum petition is filed against the 80109  
amendments, the amendments, unless rejected at the referendum, 80110  
take effect at the earliest time permitted by law. 80111

(B) The amendment to division (H)(3)(a) of section 5111.20 of 80112  
the Revised Code is not subject to the referendum. Therefore, 80113  
under Ohio Constitution, Article II, Section 1d and section 1.471 80114  
of the Revised Code, the amendment goes into immediate effect. 80115

**Section 821.13.** (A) Except as otherwise provided in division 80116  
(B) of this section, the amendments by this act to section 80117  
5126.046 of the Revised Code are not subject to the referendum. 80118  
Therefore, under Ohio Constitution, Article II, Section 1d and 80119  
section 1.471 of the Revised Code, the amendments go into 80120  
immediate effect. 80121

(B) The amendments to division (A) and the third paragraph of 80122  
division (B) of section 5126.046 of the Revised Code are not 80123  
subject to the referendum. Therefore, under Ohio Constitution, 80124  
Article II, Section 1d and section 1.471 of the Revised Code, the 80125  
amendments take effect July 1, 2007. 80126

**Section 821.15.** (A) Except as otherwise provided in division 80127  
(B) of this section, the amendments by this act to section 80128  
5126.055 of the Revised Code are subject to the referendum. 80129  
Therefore, under Ohio Constitution, Article II, Section 1c and 80130  
section 1.471 of the Revised Code, the amendments take effect on 80131  
the ninety-first day after this act is filed with the Secretary of 80132

State. If, however, a referendum petition is filed against the 80133  
amendments, the amendments, unless rejected at the referendum, 80134  
take effect at the earliest time permitted by law. 80135

(B) The amendment to section 5126.055 of the Revised Code 80136  
that strikes through "5123.16" and inserts "5123.161" is not 80137  
subject to the referendum. Therefore, under Ohio Constitution, 80138  
Article II, Section 1d and section 1.471 of the Revised Code, the 80139  
amendment goes into immediate effect. 80140

**Section 821.16.** (A) Except as otherwise provided in division 80141  
(B) of this section, the amendments by this act to section 80142  
5126.057 (5126.0511) of the Revised Code are not subject to the 80143  
referendum. Therefore, under Ohio Constitution, Article II, 80144  
Section 1d and section 1.471 of the Revised Code, the amendments 80145  
take effect July 1, 2007. 80146

(B) The amendments to relettered division (A)(2) and (A)(4) 80147  
of section 5126.057 of the Revised Code are not subject to the 80148  
referendum. Therefore, under Ohio Constitution, Article II, 80149  
Section 1d and section 1.471 of the Revised Code, the amendments 80150  
go into immediate effect. 80151

**Section 821.17.** (A) Except as otherwise provided in division 80152  
(B) of this section, the amendments by this act to section 5126.18 80153  
of the Revised Code are not subject to the referendum. Therefore, 80154  
under Ohio Constitution, Article II, Section 1d and section 1.471 80155  
of the Revised Code, the amendments go into immediate effect. 80156

(B) The amendments to division (H) of section 5126.18 of the 80157  
Revised Code are not subject to the referendum. Therefore, under 80158  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 80159  
Revised Code, the amendments take effect July 1, 2007. 80160

**Section 821.17.10.** (A) Except as otherwise provided in 80161

division (B) of this section, the amendments by this act to 80162  
section 5727.84 of the Revised Code are not subject to the 80163  
referendum. Therefore, under Ohio Constitution, Article II, 80164  
Section 1d and section 1.471 of the Revised Code, the amendments 80165  
take effect December 1, 2007. 80166

(B) The amendments to division (D) of section 5727.84 of the 80167  
Revised Code are not subject to the referendum. Therefore, under 80168  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 80169  
Revised Code, the amendments take immediate effect. 80170

**Section 821.18.** (A) Except as otherwise provided in division 80171  
(B) of this section, the amendments by this act to section 5727.87 80172  
of the Revised Code provide for or are essential to implementation 80173  
of a tax levy. Therefore, under Ohio Constitution, Article II, 80174  
Section 1d, the amendments are not subject to the referendum and 80175  
go into immediate effect when this act becomes law. 80176

(B) The amendment to division (A)(2)(b) of section 5727.87 of 80177  
the Revised Code is subject to the referendum. Therefore, under 80178  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 80179  
Revised Code, the amendment takes effect on the ninety-first day 80180  
after this act is filed with the Secretary of State. If, however, 80181  
a referendum petition is filed against the amendment, the 80182  
amendment, unless rejected at the referendum, takes effect at the 80183  
earliest time permitted by law. 80184

**Section 821.21.** If the amendment or enactment in this act of 80185  
a codified or uncodified section of law is subject to the 80186  
referendum, the corresponding indications in the amending, 80187  
enacting, or existing repeal clauses commanding the amendment or 80188  
enactment also are subject to the referendum, along with the 80189  
amendment or enactment. If the amendment or enactment by this act 80190  
of a codified or uncodified section of law is not subject to the 80191

referendum, the corresponding indications in the amending, 80192  
enacting, or existing repeal clauses commanding the amendment or 80193  
enactment also are not subject to the referendum, the same as the 80194  
amendment or enactment. 80195

**Section 824.03.** The General Assembly, applying the principle 80196  
stated in division (B) of section 1.52 of the Revised Code that 80197  
amendments are to be harmonized if reasonably capable of 80198  
simultaneous operation, finds that the following sections, 80199  
presented in this act as composites of the sections as amended by 80200  
the acts indicated, are the resulting versions of the sections in 80201  
effect prior to the effective date of the sections as presented in 80202  
this act: 80203

Section 109.572 of the Revised Code as amended by both Am. 80204  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 80205

Section 111.18 of the Revised Code as amended by both Am. 80206  
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly. 80207

Section 323.153 of the Revised Code as amended by both Am. 80208  
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. 80209

Section 711.131 of the Revised Code as amended by both Sub. 80210  
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly. 80211

Section 2921.42 of the Revised Code as amended by both Sub. 80212  
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly. 80213

Section 3301.0714 of the Revised Code as amended by Am. Sub. 80214  
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 80215  
530 of the 126th General Assembly. 80216

Section 3313.64 of the Revised Code as amended Am. Sub. H.B. 80217  
137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of 80218  
the 126th General Assembly. 80219

Section 3317.03 of the Revised Code as amended by both Am. 80220  
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly. 80221



Section 3318.01 of the Revised Code as amended by both Am.	80222
Sub. H.B. 11 of the 125th General Assembly and Am. Sub. H.B. 16 of	80223
the 126th General Assembly.	80224
Section 5107.05 of the Revised Code as amended by Am. Sub.	80225
H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General	80226
Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	80227
Section 5741.02 of the Revised Code as amended by both Sub.	80228
H.B. 294 and Am. Sub. S.B. 269 of the 126th General Assembly.	80229
Section 5748.01 of the Revised Code as amended by both Sub.	80230
H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	80231
Section 5748.02 of the Revised Code as amended by both Am.	80232
Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly.	80233
The finding in this section takes effect at the same time as	80234
the section referenced in the finding takes effect.	80235